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ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, May 14, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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ONTARIO

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

Thursday, May 14, 1970

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

The committee met at 3.15 o'clock, p.m., in committee room No. 1.

Mr. Chairman: Gentlemen, we are going to deal with the estimates of The Department of Trade and Development. I am going to ask the minister (Mr. Randall) to introduce the heads of his departments. Members should direct their questions to me, then to the minister who can then decide whether to answer the questions or whether he will direct them to his staff.

Hon. S. J. Randall (Minister of Trade and Development): All right, Mr. Chairman. I am told I can sit down; I do not have to stand. No work to do today.

Gentlemen, I will introduce the directors of the departments: My deputy minister, Mr. S. W. Clarkson, whom you all know; Mr. K. Croswell; Mrs. Cameron's assistant who looks after the bookkeeping; J. W. Ramsay, of special projects; Mr. W. A. Fowler, trade and industry division; Mr. A. Clark, immigration branch, Mr. J. J. Graham and Mr. Ross Radford of trade and industry; and Mr. P. Goyette of Ontario Housing Corporation; Mr. A. Etchen and Mr. D. B. Grant of Ontario Development Corporation; and Mr Don Holland of the research section.

Mr. Chairman: Any questions on vote 2201?

An hon. member: Does the minister have an opening statement?

Mr. Chairman: He has not. We are starting right off with questions.

Mr. E. Sargent (Grey-Bruce): Mr. Chairman, I apologize for not knowing the format. I thought we were going to follow the same procedure as in the House, when the minister made a statement and the official opposition made its statement and the New Democratic Party—

Mr. Chairman: There is nothing wrong—the member for Grey-Bruce—there is nothing wrong with you going ahead and making your statement. I understand you are representing your party. Would you like to make your presentation?

Mr. Sargent: Was that not the format of these estimates last year?

Mr. Chairman: Well, the minister can decide whether or not he wants to make any opening remarks, and he does not care to make any. But it is quite all right for you to go ahead with your remarks.

Mr. Sargent: Well, I certainly have a lot to say about the operation of this department. I do not think anyone should play down the importance of our analysis of these very important departments of the Treasury, and it seems to me we should be hearing from the minister and possibly the members of the opposition.

Why I am concerned is the fact that for too long this department has gone along irresponsibly, not being responsible to anyone. And I am amazed to find that in the analysis throughout the year on these estimates we are probably losing about \$75 million unnecessarily in this department; and yet they claim that it is one of the most successful, I guess, of government operations, only losing \$75 million.

At the outset may I remind the minister that the main function of government is the allocation of resources and from my analysis I am still of the opinion that the allocating of resources in this province and the great moneys distributed by this department reveals the most flagrant abuses in the distribution and handling of public funds that I have ever seen in 30 years of public life.

Over the years I have been increasingly critical of this department. This has been tempered, however, by my high regard for the business ability of the minister; and along with that my admiration for his stick handling, his continual ability to do many political

hat tricks. I have seen him pull a lot of stuff out of the hat and a lot of the time he uses business bluffs, but basically that is what this department has been set up to do—to be a public relations agency, a catch-all, a big umbrella for the government to distribute largesse and curry favour for the party.

And going back, this department was set up under the very able hands of Robert Macaulay. The motivation then was to control the distribution of money to serve the party well. Over the years this has served the party very well. And now we have quite an umbrella here, we have trade and industrial development, immigration, research and development, Ontario Economic Council, exposition development, Ontario Development Corporation and the OHC.

Now included in this umbrella we have the big business catch-all, we have the new Harbour City, the world's fair exposition, the film making, the million dollar Ontario Place, the business junkets—you name it.

Everything, Mr. Minister, everything in this whole department is geared to big business. And let us have a look at it.

The first vote, 2201, is \$3 million worth of spending, roughly, \$2.9 million. This includes \$1.25 million in films for PR for big business. The second vote, a \$3 million vote, includes half a million dollars for travelling expenses, \$1 million for trade fairs; all for big business.

The third vote, a third of a million dollars, is for selecting skilled immigrants for big business. The fifth vote, a fifth of a million dollars, is geared to support big business. The sixth vote, \$9 million, is for Osaka and Ontario Place.

Right? To this point, we have these six votes and have come to the sum of \$18 million for and on behalf of big business. And to date not one penny is for the small, independent businessman.

But we are only getting started. We have \$18 million now for big business; but the sector of our economy, in the free enterprise system, that keeps the ball rolling, that supplies the money to do all these things, supplies most of it or at least part of it, is the small independent businessman.

Interjection by an hon. member.

Mr. Sargent: I am getting to the fact that this whole department is geared for big business, but not one cent is spent in the interest of the small independent businessman.

Mr. Minister, could you tell me how many small independent businessmen there are in

Ontario today? I do not know, but I can tell you that in one city there are 1,200 retail stores, and this is only one category of the independent small businessmen in our economy.

I am not entirely blaming the minister for this mess that we have to talk about today. He inherited this government policy when he took over, and they can thank God they have a man who has the ability to run this scandalous operation. If we could end up with something for the good of the other part of the economy, then we will have served our purpose in discussing the estimate.

But I can tell you this, in one city of 1,200 retail stores—and these people are in a very hazardous business, the retail business—the best studies available by the Mercantile Credit Agency indicate that the average retail store lives only 66 months. In this city of 1,200 stores we are talking about, 30 of these go out of business every month, or 360 stores yearly. On the other hand, 32 new stores are established monthly only to lose their capital in a few months.

But getting back to the vote, we have already committed \$18 million on behalf of big business. Now let us see what other goodies we have in these votes.

In vote 2207, we see the terms of reference for the Ontario Development Corporation.

The terms of reference are:

The Ontario Development Corporation makes or guarantees loans and provides technical, business and financial services to encourage and assist in the development and diversification of industry in Ontario.

That is a real horse laugh. Technical and business and financial assistance! That is a lot of nonsense. The only reason for any assistance in the last eight or 10 years of my watching this department, is that you screen the people who come to you for money to find out what political stripe they are and if it is going to help the party to put the loan in that area.

Now I suggest to you, and I will try to prove, that this whole department is a political tool of the government.

But as I said, these loans we have made represent \$18 million for big business at this point; and on top of this, in this Ontario Development Corporation, we will have millions of dollars from Ontario's taxpayers, a lot generated by these small independent businessmen. Hundreds of thousands generate this money which is given in millions of dollars to U.S. firms in the excess profits bracket

across the border. We are making them forgiveness loans from money generated by small independent businessmen; yet the small independent businessman here in Canada, in Ontario, cannot go to the bank for a loan of five cents.

So we give these forgiveness loans to the American corporation in the belief that it creates an incentive. Now Mr. Minister, I have made the statement that I feel this department is a tool for these purposes. And once and for all, and for the last time, I want to prove this point to you. I remember I once had a chance to put this on the record partly. And throughout the years this department, as it is today, has continued to do this. In 1962, when this department was formulated by Mr. Macaulay, I was in Owen Sound, not politically motivated. The ODC was formed, and the hon. Mackinnon Phillips had the Tory seat. Fairfield Manufacturing came along, and we got the first loan of the ODC.

Now, any time I brought this up in the House, I have had the whole government opposition to heckle me and nail me down, and it never got on the record what I had to say. The minister continually scoffed at it.

But I have grown up politically, Mr. Minister. You do not scare me any more. In fact, no one has ever scared me, but I have not had a chance to put the case.

I tell you, sir, and Mr. Chairman, I tell you today that if anything I say is not correct, I stake my seat on it, and I give you my word of honour I will leave the House if I see it is not true.

So, Mr. Minister, let no one say that I am not saying the truth.

Mr. S. Apps (Kingston and the Islands): That does not prove what you said.

An hon. member: Or what is to come!

Mr. Sargent: What is to come?

I cannot back up what it says in the books, because no one knows what the hell is in the books. We just play by guess and by god as to what is in the book.

But when I went to Owen Sound, it had been requested and approved, and we had the first loan. And for a while the industry that had it settled down. But the directors found after about a year of operation that it was not going to go. So they met in May. But the Ontario elections were on, and I was the Liberal candidate.

So the director of the company got in touch with Mr. Etchen's office and said, "We

want to close this operation." Mr. Etchen's office said, "No, keep it going. Keep the money going in." At this point, it was \$170,000—I do not know what it was; it does not matter. The election battle was continued, the plant continued to lose money, but the money kept coming in from ODC to a Conservative riding.

The directors of the company could not figure out why he could not close the operation, because it would never pay. On election day, the member for Grey-Bruce became a Liberal, and he won by about 10 votes. The next morning the order came through: "Close the plant." And there were 30 or 40 people who lost their jobs.

That was my first association with this department, and over the years it has never changed one iota. For instance, I was talking to the minister about a trip I made to the United States. I came down to see about mobile housing, because there was a young chap in Owen Sound who was very successful in business, and he was going into the mobile housing field. So I went down and got him the dope on mobile homes in the United States, and I came back with the information that two-thirds of all the new homes in the United States last year were mobile trailers and mobile homes.

The minister was impressed. I told the minister about it. I brought him back the file and gave it to him. I told him the FHA had approved mobile homes and motor homes for federal grants and that we would be well advised to consider that in Ontario. The minister was impressed; he said he thought he would talk to Ottawa about it. He was encouraging me on the fact that this was a good operation; in the future it could satisfy the need for housing.

A few weeks ago, this man said that he has \$200,000 in orders and now where would he build a plant; he needed to expand. He went to the ODC, at my suggestion, to get a loan. He has been turned down. He needed the loan to expand and improve his business operation, to elevate his properties. He was turned down, but the hon. provincial Treasurer (Mr. MacNaughton) made a request for up to \$50,000 to renovate two aircraft hangars in Centralia, and that was approved.

In a letter to Mr. Woods on April 21—Mr. Woods will have received this—he thanked Mr. Woods and said, "I am sorry, you have two sets of values; I do not qualify." In fact, he says, "I am not in the Conservative riding." That is a matter of record; the minister knows this. This man today is very

successful; he visits anybody; but he cannot get credit; he cannot get bank credit; he may have to go out of business. He has \$200,000 in orders sitting there, but he cannot get any help from this department.

We have the conventional loans for 1969—well, there are 39 loans made here, and 32 of them are made in the riding where there are Conservative members. The first loan was made to Port Arthur; the next one to Mr. Simonett; Mr. Villeneuve; hon. James Auld; Mr. Guindon; Alex Carruthers; hon. Mr. MacNaughton; Ian Deans got one too for Wentworth. This is one for Mr. Gilbertson, René Brunelle.

An hon. member: I would say that is coincidence.

Another hon. member: Well, we are a little closer to power than they are.

Mr. Sargent: Leo Bernier; Pat Reid; Elmer Sopha; J. Stokes—there are three in a row there—Erskine Johnston; Ray Connell; J. R. Simonett; F. M. Cass; Clarke Rollins; George Gomme; the hon. James Auld. And the member for Kingston and the Islands did a great job—he scored pretty heavily, did he not?

An hon. member: Read them all.

Mr. Sargent: Norris Whitney; Fern Guindon—that is out of 10 to date, and he is not even helping.

An hon. member: Right!

Mr. Sargent: Rev. Downer; Alex Carruthers; Donald Paterson; Eric Winkler; James Allan; the hon. Charles MacNaughton again; John Spence got one or two; Lorne Henderson; Ken Bolton; James Allan; Russell Rowe; William Newman Gordon Innes; Douglas Kennedy; Hugh Edighoffer; Charles MacNaughton again; Rev. A. W. Downer; Glen Hodgson; Harry Worton; Don Deacon; Allan Reuter—32 out of 39.

An hon. member: These are the first 32—

Mr. Sargent: Thirty-two of thirty-nine; thirty-two all the same.

Mr. Chairman: I just counted about 14 in opposition members' ridings—maybe I do not count well.

An hon. member: You may find that it is important.

Mr. Sargent: We find out that this department has been loaning these forgiveness loans in large amounts to American corporations.

An hon. member: Can I ask a question? Are these ODC loans or are they EIO loans?

Mr. Sargent: It is a combination of both—EIO and ODC. In 1969 there were 39 loans.

An hon. member: Just for one year?

Mr. Sargent: The year 1968 was not a hell of a lot better. It is pretty well the same picture. You know back over the years, that is the ball game, as it were, insofar as these very civil people are concerned. I think they take the policy from the government. I have come to them—Mr. X let's say, and I know the people—I have come to them repeatedly. I know I have not a chance of a snowball in hell of getting my deal through. Never once have I gotten a deal through. But they lead me down the garden path, have the men go back and forth hopefully to do all this nonsense and nothing happens.

In the motel field—I happen to know the great need for help in the motel field—we provide about \$200 million of tax revenue at least through room rents and restaurant meals tax to the government, and in the last four years there have been four loans put through.

Who were they put through for? Mr. Caswell, the head of the Conservative Party up north got a \$100,000 loan. The Seagrams group, for Holiday Inn, received a \$435,000 loan.

Mr. Chairman: Could I interrupt? Once the bell rings we must adjourn until the vote is over and then we can come back. So we will adjourn now until the vote is over and then resume.

The committee resumed at 3:55 p.m.

Mr. Chairman: Is the member for Grey-Bruce ready?

Mr. Sargent: Give me a minute will you, sir, please?

Mr. Chairman: Sure, okay!

Mr. Sargent: Thank you, Mr. Chairman. Before the bell rang, I was discussing the conventional loans and the EIO loans and I apologize to the Chair and to the minister that there is something I left out. I will start again.

I had neglected to read the fact that under Eric Winkler of Grey South, I did not read that there was a loan of \$81,000 for General Signet of Canada in Owen Sound and RBW, Owen Sound, \$22,000. These are loans that I would have nothing to do with. They are not requests of mine. They were in the area of big business.

Mr. E. A. Winkler (Grey South): They are of no value to you either.

Mr. Sargent: That was a dirty remark. They are very important to our economy and I think it is nice. We have to live the odd wee bit too.

But going back to my previous submission, I think it was 39 loans and it is significant that in many of these loans I did not give you totals; as in the Frontenac-Addington area of Mr. Simonett, there is a loan for \$65,000 to Mr. MacPherson, \$435,000 to Mr.—

Mr. Apps: That was not in Mr. Simonett's riding, that was in the riding of Kingston and the Islands.

Mr. Sargent: You are wrong. It is Frontenac, I am positive of that.

Anyway they went for six or seven loans. The point of my position is that the members who were held in high regard by the heirarchy in Queen's Park, they get all the action.

Mr. Apps: Can I make a comment, Mr. Chairman?

Mr. Chairman: I do not think you can, member for Kingston and the Islands. The same rules apply here as they do in the House and you are not allowed to do it in the House.

Mr. Sargent: I am not—

Mr. Apps: Mr. Chairman, in that connection, I would like to point out to the members that for the past three years, two large companies have closed down in Kingston. There was Fairbank Morse with a loss of over 200 jobs and the Kingston Shipyards with approximately the same.

Mr. Chairman: Why did they close down?

Mr. Apps: I do not want to blame some other government so I am not going to tell you why they closed down. We are going to have to persuade others to come to Kingston. I might mention here that those that have located there do not come anywhere close yet to making up the deficit that has taken place with the loss of those two other companies.

I might also mention the fact that these are not big business loans. They are smaller loans for smaller companies, and not only do they help the smaller companies here, they help our economy a great deal.

I, for one, am very thankful that we have such a policy to enable us to try to take up some of the slack that has taken place with the loss of two large companies lost to Kingston.

Mr. Sargent: Mr. Chairman, I will go along with the member for Kingston and the Islands. I am very happy that he has been able to do that, and if we have helped him, that is our job but you must realize that Kingston had a loan of \$500,000—that was the first loan under EIO—and they also received a loan of \$475,000, a conventional loan.

Mr. H. Peacock (Windsor West): Half a million was a conventional loan.

Mr. Sargent: Well, my figures—

Mr. Peacock: And \$475,000 was under EIO.

Mr. Sargent: Well my figures are the EIO was \$500,000 and \$475,000 was conventional.

Getting on to Belleville; they had four loans under the member Mr. Clarke Rollins; Carleton Place, George Gomme has five loans there.

An hon. member: The loans were a part of the vote.

Mr. Sargent: About \$1 million is the total there. Brockville has at least five loans. Napanee has a \$500,000 loan. Whitney has \$500,000 for the Campbell Soup company. Renfrew has two loans; Cornwall has eight loans. Simcoe, James Allen has seven loans totalling about half a million dollars. In Cobourg, Rowe has about \$1 million worth in five loans. William Newman has about \$500,000 in three loans.

In other words, I think we can establish the fact that in 1969, the Tory members did not do badly.

Interjection by an hon. member.

Mr. Sargent: In eastern Ontario, that is where you fellows are going to have to win your votes next time. You are handling that area well.

Interjections by hon. members.

Mr. Sargent: Going back to 1968, the pattern is the same. You will find that in 1968 the figure is \$6,297,000 in ODC loans. I have not got a total for the EIO loans, there was about \$15 million in EIO loans.

The fact is that Centralia was a big winner in 1968. They had about \$1 million in loans there, a number of seed loans. Cobourg had four loans, Tillsonburg had three loans, Fort William and Port Arthur had four loans, Glengarry had five loans.

Mr. J. R. Smith (Hamilton Mountain): How many did they want?

Mr. Sargent: There were two loans in Bruce county to Walkerton for Canada Packers and Union Carbide. Union Carbide is an American corporation. Canada Packers, as we all know, is a very close friend of the government. They are in a very healthy financial position.

Mr. Winkler: Can I ask you about the addition Union Carbide planned in Walkerton? Would it have gone there without this loan? Would it have been established in Walkerton? I ask you that.

Mr. Sargent: I do not know.

Mr. Winkler: Yes or no.

Mr. Sargent: I do not know—

Mr. Winkler: The answer is no.

Mr. Sargent: I do not know whether that is correct or not. But we have established the facts beyond a doubt. I think, the facts speak for themselves.

I repeat, for eight years, industry has come to these people for help. The disturbing fact is, Mr. Minister, why the hell do you not tell them you are not going to give them a chance in the first place? We would never let people who come down here, and drive back and forth and back and forth, to come in here. We lead them down the garden path and nothing happens.

This is wrong, because these people have as much right as you have to that money. More so, because they need it. The free enterprise system is built on people starting small and getting big. That is our system. That vote we had up in the House was indicative of something.

You are selling us down the river to the states. No hotel will feel like getting into this act, with the great amount of money they generate for the provincial Treasury—about \$200 million this year in the hotel and motel resorts field, with the room tax and restaurant tax—and you loan them a measly four loans in five years.

You have the audacity to say that you will loan them \$1 million next year, 20 loans at \$50,000 each, in the province of Ontario. People who did get the loans in the hotel field were, as I said before the bell, the head of the Conservative Party, Dalton Caswell; Holiday Inn, Seagrams, got \$35,000; and Long Beach Hotel in Brockville received \$125,000.

That is the extent of what you do in that industry and it all goes to friends of the government. The ODC puts these people through the wringer. The one chap I talked to eventually had to go to the States to get some money.

In a release by the minister on June 26, 1969, he said the policy shall be as follows: "The counties of Carleton, Frontenac, Hastings, Lanark, Leeds, Grenville, Lennox, Addington, Prescott, Russell, Prince Edward, Renfrew and the counties of Stormont, Dundas and Glengarry will all remain at \$500,000"—all the Tory ridings. "The rest of the province will go down to \$250,000."

Mr. Apps: You do not think that—

Mr. Sargent: I may not be putting my point very well, but I think that the position I have now is that the small businessman, as I want to point out, is not getting a square pitch for his tax dollars here. In other words, the—pardon?

Mr. W. Hodgson (York North): It could be a lot worse—

Mr. Sargent: Well, I do not go along with Benson's thinking at all, but I do want to say that what we are talking about in this vote is the fact that you have the power to empower these gentlemen to distribute \$18 or \$75 million of our money geared to the American takeover of our economy.

Mr. Winkler: Is that the \$75 million—

Mr. Sargent: By and large.

Now most small independent businesses are Canadian-owned. If they are given help, they will grow. And that is what this free enterprise system that we are all so proud of and the minister is part of, is all about—even if we have to work 60 or 70 hours a week.

But today the small, independent businessman has to finance his own inventory, his equipment and accounts receivable and so on, without one penny of help from the bank.

If any one large receivable account fails to pay a businessman, a small businessman in Ontario today, Mr. Minister, if it fails to pay that money, if it fails to come in, the payroll cheque bounces and the man is out of business. A bank authority made this statement two weeks ago in Owen Sound; that come June 25, 25 per cent of the small, independent businesses in Ontario will be bankrupt. We are talking about six weeks away and it is very timely.

We see the largesse that you distribute to American corporations, in tax or forgiveness loans, when we cannot—the small business sector—cannot borrow a nickel whether it is a shoe retailer or a cement block manufacturer. The biggest one in that area folded on Monday; he went bankrupt. He thought he was very affluent but he could not pay his payroll. He went down the pipe.

Construction business, restaurant business, department store, jeweller, you name it. They are a great silent majority in this province, hundreds of thousands of them. They belong to no union.

How do they go about getting justice in this department; or from our monetary system through free enterprise? How do they do it? They have no union. They have a right to live. They go to the toilet like everybody else, they have pimples; but they have got to pay their bills.

They have a right to access to bank credit. Take any one of the above classes, whether he has three employees or 50 employees. If he is up to his line in credit today, he will be out of business tomorrow if he cannot meet a payroll because he cannot get any more credit at the bank. That is the rule today.

We are told, we feel that this great silent majority generates the great portion of this money you are giving away. Of the \$4 billion that you expend here, they generate a great portion of it. But they cannot participate in this giveaway programme in this department.

Mr. Minister, if I thought it would help I would get a demonstration started—because it seems the only way you can get anything done today is to demonstrate, to get your point across. But how do hundreds of thousands of small businessmen in this province demonstrate?

How would we get a message across to them that we needed them down at Maple Leaf Gardens to show the Prime Minister (Mr. Robarts) of this province or the minister of this department? How would we get them down there to see this?

If I thought it would help, I would call a mass rally at Maple Leaf Gardens by, say June 5 if you would not give us legislation on behalf of the small businessman by June 1. You have in your wisdom, or lack of it, or party policy, you have the right to give away all these scores of millions of dollars, tax free, to American corporations.

In my estimation you are selling us down the drain. And if the minister or his government is not obsessed, Mr. Chairman, with the

formulating solutions to the problem of foreign ownership, may I say along with my colleagues in the Liberal Party and a lot of Ontario citizens, that we are concerned. I suggest to you, Mr. Minister, and to the government, you are playing right down the line, handing over our economy on a plate.

Instead of taking the steps to do the things necessary to retain the control of our economy and thus maintain our independence, we are acquiescing to becoming a colonial dependency of the United States. It should be our role here, proudly, to be no different from the British, the French, the Swiss, or all the emerging parties of the world—and the United States—in wanting our independence, to maintain our independence.

You may call this nationalism, and so it is. But it amounts to respect, loyalty and enthusiasm for one's country and the legitimate optimism and confidence for our future. We have our acres of diamonds in this province, right in our own backyard. Through this list I have given you here, of millions of dollars of loans to U.S. corporations, you have sold us out completely, with no controls on foreign investment and ownership in Ontario; using taxpayers' money to sell them out to U.S.-based and owned companies.

So I say, Mr. Chairman, it is time that someone stood up, especially in our party, who cares about our free enterprise system, and said that we will put the authority of the Ontario taxpayers, through their government, against the foreign-owned capital.

Foreign investment last year, the bulk of it American and most of it in Ontario, now amounts to \$34 billion. It is a force so great that it has created its own magnetic field and feeds upon it completely. Since 1947, American investment has been cascading into Ontario at the rate of \$3 million a day and now two-thirds of our manufacturing capacity is foreign-owned.

Nine out of 10 of the large plants in this province are controlled by American corporations; and taking the route of Mr. Randall and his sell-out policies, we in Ontario are political and economic satellites of the United States.

With regard to foreign subsidiaries here in Canada and in Ontario, there is a complete lack of minority interest in their equity stock distribution. There are no Canadian representatives on their boards of directors and the export policies set by the parent organizations in the United States are against Canadian interests in many cases. They are mulcting

our national resources, and are reluctant to even process these raw materials before shipping them to the United States.

We have even United States depletion allowances on our mining and oil industries set in the States and these are granted.

To summarize this situation, we have this great largesse in forgivable loans of millions of dollars to American corporations. It is a matter of record that when Eric Winkler was a member of the federal House, when the House in its wisdom decided to put a tax on the advertising revenues of *Time* and *Life* magazines, it became evident this was going to pass and it did pass through the House of Commons. A directive came from the White House in Washington to cancel legislation by the House of Commons in Ottawa; not to tax *Time* and *Life* magazines. The power was in the White House in Washington telling the Canadian government that they could not tax *Time* and *Life* magazines.

Mr. Chairman, I submit to you that if that power has gone that far, then we have gone pretty well down the pipe as far as the American takeover of our economy is concerned.

In the final analysis—the minister may or may not agree with this—many economists tell us we are in the midst of a depression today in this economy. This makes it more important, Mr. Minister, that you view very seriously the need to set up immediate emergency funds for the small independent businessman in Ontario before we break the back of our free enterprise system.

In today's *Toronto Star*, there is an editorial on the Greene speech made in the USA.

Mr. J. B. Trotter (Parkdale): That was a good speech.

Mr. Sargent: I agree with you, it is time we Canadians were proud of our country and the right to be a nation of our own and, as I said, not become an economical and political satellite of the United States.

It has come to the serious position that we have in this economy of ours, a situation where 50 per cent of the people in this province own 8.3 per cent of the wealth. So that gives them an average estate of \$1,800, enough to cover their furniture, their clothes, their television set; and perhaps a rundown car.

Another group of 18.4 per cent of our people are worth about \$6,000 on the average; another 21.89 per cent have \$15,000 average estates. We end up by having 90 per cent of the people having eight per cent of the wealth; so we have come pretty well down to the

situation where we do not control our resources, we do not control our economy. A man can sit in Washington and call a strike any time he wants in our economy.

So we here are, Mr. Minister and gentlemen, assessing a vote—a total of possibly \$75 million in this vote—and I think that as Canadians we should do something about the policies that the minister tries to lean on as incentives—that is the forgivable grants to industry. If that is the route you are going to travel, if you find that is the route you will have to maintain to keep the employment and the economy up, then it follows that we have a large segment of 100,000 businessmen who have a right to live too.

I am concerned about what is happening, Mr. Minister. First I am concerned about the fact of the extent of the military control of the United States government and the fact that we are now literally bound to the United States, economically bound to the United States. And the strength of the military there may well, in 10 years, result in complete military control there. The thought of economists and thinkers is that that is the road being followed. Everything I say, in the finalizing of my comments on these estimates now, is that we are, by honouring and okaying these forgiveness loans to American concerns without giving the other sector of our economy a fair break, helping this to come about. My plea is for small industries, small businessmen, which we must help to maintain their solvency, so they may be able to live and to keep in business.

I say today you are compounding the whole bit. That is not meant personally. I know that is not your desire, but I would like to quote in closing, Edmund Burke's eulogy of Charles James Spotts, who said:

He well knows what snares are spread about his past, from personal animosity and possibly from popular delusions, and speaking to you he says he has to put aside his ease, his security, his interest, his power, even his popularity.

He is abused for his supposed motives, but calumny and abuse are essential parts of triumph. He may live long, he may do much. But here is the summit, he can never exceed what he does this day.

I think you have a decision to make, as to what route you will take as far as the free enterprise system in Ontario is concerned.

Mr. Chairman: The member for Windsor West.

Mr. Peacock: Mr. Chairman, I do not have any statement—

Mr. Chairman: Would you mind standing up?

Mr. Peacock: Do we have to stand up to the microphones?

Mr. Chairman: Yes.

Mr. Peacock: I am disappointed the minister has not introduced his estimates with a statement to the committee, that is the usual practice in the House. In the last several years in which I have participated in the consideration of the estimates of this department, the minister's opening statement has usually been quite helpful in bringing us up to date on the activities of the department and all the various areas in which it is engaged.

I think I should like to proceed item by item asking a series of questions relating to the total impact of the department on the economy of the province and out of that draw the themes and conclusions for debate when the committee reports to the House.

Hon. Mr. Randall: I think that is a good solution.

May I just say to the two members who spoke, Mr. Chairman, it was not any attempt on my part to duck the issue and not make a speech. I have been kidded for the last seven years that I am a man of a few million words, and I thought I would give you a break this year. It was my understanding that we could come into the committee and after the Chairman introduced me and I introduced my staff, you start asking questions and you get specific answers to specific questions. I thought that was the reason for the committee.

Then when we went into the House, as at the last session, you all had an opportunity to tell me whether I was doing a good job or a lousy job, and then I had a half hour to rebut.

Now I might—as the Liberal member for Grey-Bruce has made some comments perhaps I should just touch on a few things that he mentioned before we proceed.

I just want to point out to him that he has mentioned, I guess for publicity purposes, about a hundred times this afternoon giving money to great American companies; and also the number of loans we made and read out the names and addresses of the members in the House whose constituencies got those loans.

First of all, let me say there were not 39 loans last year, there were 234 loans. And 100 per cent Canadian ownership got 136 of them, 100 per cent foreign ownership got 90 of them; and the next ownership classification, majority Canadian—

Mr. Sargent: Would you give us those figures again, please?

Hon. Mr. Randall: Yes. One hundred and thirty-six wholly Canadian owned—

Mr. Sargent: Why were we not given those figures?

Hon. Mr. Randall: I do not know, I am just telling you what I have. If you had asked for them, you could have had them. But I said there were 234—

Mr. Sargent: Just a moment, Mr. Chairman. We asked for the loans made by this department and we have a list of 39 loans, that is all we have. Now if you have something we do not have I would like to see them.

Hon. Mr. Randall: We will show them to you.

Mr. Sargent: Well do not take that attitude that—

Hon. Mr. Randall: As of—excuse me, maybe I—

Mr. Sargent: If we have the information, we will—

Hon. Mr. Randall: Excuse me, may I just finish what I am saying?

As of March 25 there was a total of 234 loans under the EIO programme. Now that is since the programme started. And 136 of them were Canadian owned, wholly; 90 were foreign owned, wholly; so it is not giving all these loans to American companies.

Two were Canadian and foreign ownership, mixed ownership. The mixed ownership would be Canadian and American; and mixed ownership foreign would be anywhere but the United States, and there were six there, for a total of 234.

Now on the dollars expended: on the Canadian ownership companies there was \$16.95 million; on the American ownership there was \$17.71 million. So the dollars were almost within \$1 million of each other.

Mr. Sargent: Why did they get a penny?

Hon. Mr. Randall: Now wait a minute, just wait a minute now! I listened to you very

carefully, I did not interrupt, let me finish my story.

So \$17.71 million went to American companies and the balance, totalling \$35,520,000 went to Canadian and majority Canadian-owned companies.

Let me point out the jobs created by these companies—Canadian ownership as against American. Immediately there were 4,674 jobs created by Canadian-owned companies that got these EIO loans—4,674, going to 8,966 as estimated by the companies themselves in the next five years.

Foreign-owned companies, that is primarily American—I would say it is all American—3,289 jobs going to 8,214 in the next five years.

Then the jointly-owned companies—

Mr. Sargent: You are projecting this are you?

Hon. Mr. Randall: Sure, these are company figures—what they expect they will do as the company gets underway. And jointly-owned companies, 164 jobs going to 412.

Now I think it is obvious from that, Mr. Chairman, that the loans did not all go to large American companies as the hon. member spelled out here this afternoon. I think we do an injustice to our American friends when we continue to take them apart on something that they are not responsible for, because they happen to want to invest in Canada.

Mr. Sargent: That is the whole thing.

Hon. Mr. Randall: Just a minute.

Let me also say, Mr. Chairman, that when we set up the EIO programme—if you can tell me how you can set it up just to make sure that all the loans go into a Conservative member's riding, I would like to know, because the 936 municipalities all have a right to make an application for an EIO loan and to be qualified as a designated area. You read off 14 or 15 members in your own party and the other two parties who have got loans.

As far as I am concerned, it does not make a difference whether they get a Liberal, an NDP or a Conservative member, or no member. If they qualify as a municipality, they get a loan; if they come in with their application form and if they can meet the requirements of the EIO programme.

There is no political skulduggery, as far as I am concerned, when it comes to making

these loans to the kind of people we want to make them to.

As far as American companies are concerned—I suppose we will get into this before we are finished here. Our friends in the NDP have some comments to make.

Mr. Peacock: Is that not a weirdo programme?

Hon. Mr. Randall: That is right. We will have a lot of those around today. We are having difficulty with some of the economic weirdos, as you recognize.

I just suggest to you that if you can sort out the—

Mr. Sargent: Mr. Chairman, on a point. As the minister is going on to something else—at least he has made his point—may I ask him a question on this section here?

How can we intelligently analyse what you are saying when we do not have access to the reports you have? We asked for—my note here from our research department says these figures were not made available to us. We were told that the sheets you now have for 1968 and 1969 contain all loans.

Now you had better—

Hon. Mr. Randall: You might check with Mr. Etchen and Mrs. Fryer on that.

Mr. Sargent: You can recheck them with Mr. Etchen and Mrs. Fryer! You are a rock-in-the-sock type of guy. You sit up there, and you have something down below that you are going to throw back at us. I want to know what we are talking about and I want to listen to all those notes in your hand.

Hon. Mr. Randall: We will give you the list. We would be glad to give it to you.

Mr. Sargent: There is no way that you can tell me—I read out 39 loans here and 32 of them are made in Tory ridings.

Hon. Mr. Randall: You did not read seven opposition members here. I think you read about 14, if I remember correctly.

Mr. Sargent: I will stand here all day. I do not give a damn what you say. I think this thing is a political tool and I am going to prove it.

The fact is, I have gone back repeatedly as a member for my riding and I cannot get to first base because—

Hon. Mr. Randall: Well maybe you should not bring in deadbeats all the time.

Mr. Sargent: That is all I hear.

Hon. Mr. Randall: You bring a guy in when he is bankrupt. Bring him in before he goes bankrupt and we can help him.

Mr. Sargent: I can tell you that this man I talked to you about—the last loan I went to you about—this man's credit rating was excellent and you know it. You had your people check him out, but you would not give him a loan; but you gave Mr. MacNaughton a \$50,000 loan for something not as good as that.

Hon. Mr. Randall: I will prove to you before we get finished here the reason why the man did not get a loan.

Mr. Sargent: But before you do, do not take too long. Do not ever try to leave with this group the fact that this whole department is not politically oriented. The proof of the pudding is in where the loans go.

Mr. Apps: If you are going to encourage industry to go into eastern Ontario where could they go except in a Conservative riding?

Mr. Sargent: Your batting average is pretty good. You have about 10 more.

Mr. J. R. Smith: Mr. Chairman, on that particular point, the grants—there was only one grant made in Wentworth county and that was to Archie McCoy Limited. Surely that could not be political? He is a prominent and very highly respected Liberal in the province of Ontario while the member happens to be a Conservative. What more could you ask?

Mr. Chairman: I think as members of this committee we should deal with this vote item by item. We will go ahead and discuss this a second time, if we do not do that now. Let us deal with vote 2201.

Has the minister any more to add to this vote?

Hon. Mr. Randall: Yes. I just want to point out that in 1969-1970 there were 127 loans made; 87 in 1968-1969 and 20 in 1967-1968 brings it to 234 which is the total I was mentioning a few moments ago.

There were 127 loans made in the 1969-1970 fiscal year so where you get your information from I do not know.

I am just assuring you that from my figures these are the number of loans we made. Perhaps Mr. Etchen could add to that.

Mr. Chairman: Excuse me for a moment, Mr. Etchen, you must use the microphone.

It is put on tape—there is no way they can hear you.

Mr. A. Etchen (Ontario Development Corporation): Perhaps I will repeat that. I was called by Miss MacDonald of the Liberal office and she asked me specifically for a list of the preferable loans and of the forgivable loans. I asked her if this is what she wanted and she said yes; and I said: well you have left it rather late in the day. But we made a special effort and within an hour we had the information and Miss MacDonald sent a messenger over to get it.

Another lady called me to ask some questions about it. I asked her specifically if this was what she wanted and she said: yes. Thank you very much for your courtesy and for the trouble you took to give me the information."

Now if Miss MacDonald or anybody else had asked for any breakdown we would have been happy to give it to her.

Mr. Sargent: Did she ask you for EIO loans and conventional loans?

Mr. Etchen: Yes she did.

Mr. Sargent: What year?

Mr. Etchen: Well, for the year 1969.

Mr. Sargent: And this is what she received—these 39?

Mr. Etchen: She asked for them for the specific year 1969.

Mr. Sargent: Well do I have to owe you an apology. I am talking about the fact that 39 members got loans and 32 of them are Conservatives.

Hon. Mr. Randall: Well, Mr. Chairman, to clear up any confusion, the hon. member talks about 39 loans; he meant that loans went to 39 constituencies of which 32 were represented by Conservative members.

Interjection by an hon. member.

Hon. Mr. Randall: Well, it is not true! But I think this is the difference. The figures you have got, as Mr. Etchen has pointed out, were given to your girl and they were the figures that we are using today—127 loans, in fact I think it has gone up. If you say there are 133, then you have got a few more than I have got in my book, but there were 127 loans in the 1969-1970 year and again I go back and say that there were 936 went out to municipalities. They all approach us on

the same basis, they are based on the point system, as you know, and if they qualify, they are designated as an EIO area. And what kind of a member is in there, I could care less. It does not make a particle of difference to me.

Mr. Sargent: You will never convince me.

Hon. Mr. Randall: And we do not tell the industry where it should go. It must make up its own mind because one thing that we have to remember is that it must go where it can operate in a viable economy. Otherwise, if a guy folds, our money goes down the drain. He says: "Well, you steered me into the wrong area." So we do not have a programme of steering industry in. It must go on its own basis.

I had a man in the other day that started a plant and he said: "Well, they have taken me to Mr. Radford." He took this man to 30 different places before the man made up his mind and he made it up on his own. He saw 30 municipalities and then he made up his mind where he wanted to go. We did not make it up for him. So if he does not exist in that area, it is not our fault. We have given him the best of 30 municipalities and he can make his own mind up.

Now, let me just cover one other point and then I think we should go on. I can appreciate the member's concern about the small businessman, but in the main you must be talking about the small retailer—

Mr. Sargent: I am not.

Hon. Mr. Randall: —because the small businessman can come to us the same as anybody else. He must bring a balance sheet in; he must be able to substantiate his own equity in it; he must have a viable concern or at least have a 30 per cent chance of succeeding.

But we can not run a pork barrel and just hand out money to anybody who walks in off the street and says: "I have got an idea. I would like to start a business." He must bring in a balance sheet and the facts as we analyse them. The authorization for a loan has to go to our cabinet. It has to go to the board of directors of ODC and when it goes through, it has been thoroughly checked, I can assure you.

Now if a man comes in late and he has not got that information, I can understand why negotiations take time. And week in and week out we have a number of those. They come in and they do not have the information. We send them back and it is months before they ever come back with the proper informa-

tion. If they go bankrupt in the meantime, I cannot help that and neither can the taxpayer.

Mr. Sargent: I would like you to tell me, Mr. Chairman, how many applications have you received over the years for loans to the hotel industry?

Hon. Mr. Randall: I think we can—

Mr. Sargent: Just a moment now, you are talking about your policy on making loans, that you do not show favouritism to the Tory party. How many applications for loans have you had from the motel and hotel industry and resort industry? Hundreds, hundreds!

Hon. Mr. Randall: Yes, but—

Mr. Sargent: And who gets the loans? Your Tory people get the loans.

Hon. Mr. Randall: It may be a coincidence.

Mr. Sargent: Oh, come on! The president of the Tory association up north, Holiday Inn, the members of Rochdale—

Hon. Mr. Randall: Let me just suggest to you—

Mr. Sargent: Do not con me too.

Hon. Mr. Randall: I do not take that kind of talk from anybody.

Mr. Sargent: Well you are going to take it from me.

Hon. Mr. Randall: This government is not playing politics with this programme—

Mr. Sargent: You have been conning them for eight years down here—

Hon. Mr. Randall: Do not forget it, do not forget it!

Mr. Sargent: You have been conning them for eight years and I am getting fed up with it, too.

Hon. Mr. Randall: You have made this same speech for seven years. I am getting tired of that canned speech of yours over the seven years.

Mr. Sargent: And you will hear it some more, too.

Hon. Mr. Randall: I am glad to hear it, but you had better be specific.

Mr. Sargent: How much more specific can I be, Mr. Chairman, when I say you have had hundreds of applications for motel loans and four loans are granted to your Tory people. What do you do?

Hon. Mr. Randall: We have not had hundreds of loans.

Mr. Sargent: Pardon me?

Hon. Mr. Randall: We have not had hundreds of loans.

Mr. Sargent: Applications.

Hon. Mr. Randall: Applications are coming in from every tourist operator in the country. Most of them are running a mama-papa business and how do you—

Mr. Sargent: Do not try to con me as you have the rest of the people of Ontario.

Hon. Mr. Randall: I am not trying to con you. Nobody could con you, my friend, you are too smart.

Interjections by hon. members.

Mr. Sargent: I would like to have an apology from you for saying that people from my area were deadbeats.

Hon. Mr. Randall: I did not say they were deadbeats. I said that when people bring in businesses which are already bankrupt—

Mr. Sargent: You told me not to bring down deadbeats—

Hon. Mr. Randall: I said, do not bring in anybody who is already bankrupt—

Mr. Sargent: All right. Okay—

Hon. Mr. Randall: If you want an apology, I would be glad to apologize. You know we made loans up in your area. We look at anybody you bring in but it has to be based on their balance sheet.

Mr. Chairman, I am sorry for the friction here this afternoon; it was not intended I can assure you.

I appreciate my friend's concern for the small businessman and I am just trying to point out that this government is not in business. It has not got enough money to finance every small businessman who walks in off the street, any more than the chartered banks have. Today, there is more concern than ever because the chartered banks have walked away—

Mr. Sargent: Federally there is the small business administration loan. There is nothing here in Ontario.

Hon. Mr. Randall: Pardon?

There is nothing here at the present time to take care of small retailers. But any small businessman can walk in and talk to us and you know it. If he can make an application, he brings in his balance sheet. If he qualifies, he can get a term loan. He can get an EIO loan if he goes into a designated area.

But, sir, you cannot hand out EIO money or any other money on a hand-out basis just because the guy walks in off the street. We get thousands of them walking in off the street and we are not in a position to give a loan to everybody who says "I have gone everywhere else. I cannot get any money and the federal government has shut off my bank credit and I must go to the ODC".

Mr. Sargent: So you give forgivable loans to the American corporations?

Hon. Mr. Randall: That is your opinion and I do not agree with you. I pointed out—

Mr. Sargent: You said \$17 million here.

Hon. Mr. Randall: Well I lent \$16 million; we have an EIO programme. What do you do? Discriminate against the Americans who are here paying taxes, employing people and paying—

Mr. Sargent: Would they not expand to get that?

Hon. Mr. Randall: No, they are just the same as the Canadians; they would not be here.

Mr. Chairman: Let us deal with these items. We will have this debate later on. First of all, we have vote 2201—

On vote 2201:

Mr. D. C. MacDonald (York South): On the first vote, Mr. Chairman. By way of basic policy, there is one area I would like to explore with the minister for a moment.

In pursuit of economic development across the province you are trying to focus in on those areas where there is slow growth with the provision of EIO loans. You have said northern and eastern Ontario and we get into an argument as to whether or not there is fair proportion in terms of the slow growth areas as opposed to the faster growth areas.

What I want to ask you is that when you have got an area where you have a pocket

of economic stagnation which has become chronic, do you take any special action?

Now let me illustrate, and I am thinking of the Cornwall area. Here is a rich area, as I understand it from talking to the local people. It started on the downgrade 10 years or more ago when one of the major plants folded up. Two thousand of the work force were turned out, relatively unskilled and many of them never yet refitted in a permanent way into the labour market.

The consequences, tragically, of the sea-way have been that most of the business has been taken to the American side so that you have had a gradual decline. Today, it has resulted in an unemployment rate of 18 per cent. Now 18 per cent is comparable to the kind of figures that we have been hearing with regard to Cape Breton Island and other chronic unemployment areas across this country.

The local people argue that the EIO loans have gone to one or two big companies—Kraft, for example. Most of the rest of them would go to little companies that do not bring great amounts of employment opportunities, and furthermore they are companies that generally are paying wage levels very little above the minimum wage. In short, they have not really contributed to rebuilding the economic base.

Now if you have got that kind of a festering sore, economically, does the government map out a broader programme that might assist in rebuilding the economy in the area and rescuing it from a chronic unemployment situation? And if so, what are the components of it?

Hon. Mr. Randall: I do not know if we are getting off the vote or not, but maybe I—

Mr. Chairman: Yes, I think we are actually. This does not come under vote 1201; I would say it would come under 1206, does it not?

Mr. MacDonald: Would you like that in another area?

Mr. Chairman: Would you like me to take it—

Mr. MacDonald: Well, I—

Hon. Mr. Randall: Well let us take it in the proper sequence and then we can give you more detail on it, if you do not mind.

Mr. MacDonald: Okay.

Mr. Chairman: Vote 2201.

Mr. Apps: Mr. Chairman, in connection with item 4 of 2201, special studies, films and advertising. As I understand it, most of your loans to small businesses go for equipment and similar things like that. The crying need for small businesses now is for operating capital, and in many areas, with the tightening of bank restrictions, you operate at a certain loan rate and it is impossible to go any higher than that.

This, along with the fact that collections are so tough—because everybody is feeling this restraint—makes it very difficult for all small businesses to operate even normally, let alone expand, if they have a chance. It is just impossible, because they are not able to get the operating capital to do it.

I am just wondering, in this particular area, whether there are any studies being made of possible ways of enabling legitimate and deserving small businesses to acquire the operating capital they need to expand or even maintain their present volume in the business.

Mr. Chairman: I think we should deal with this section of 2201. I think we should deal with items 1, 2, 3, 4, 5, 6—

Interjections by hon. members.

Mr. Chairman: So we take the main office first, which is item 1. Are you on 2201? Thank you.

Mr. A. W. Downer (Dufferin-Simcoe): Mr. Chairman, I would like to pour a little bit of oil on troubled waters, and I am sure that the good member for Grey-Bruce would agree with me on my appeal this afternoon.

I am not critical of this department, and not critical of the minister. I think he is a super salesman. He has done a good job for Ontario. I had a few pieces from the table, and I am grateful for those few crumbs that we got from the table, and I hope we will get more assistance as the years go by.

Interjections by hon. members.

Mr. Downer: It is all right; the crumbs are all right too. It helps out in our area very much.

An hon. member: But why should we have crumbs?

Mr. Downer: But I would like to appeal to your sense of fair play and generosity today, sir, for a particular thing. This has to do with the riding in Dufferin-Simcoe—and it is a Conservative riding, but that is not the reason I am asking you for this favour.

In our town of Collingwood we have a band, the Collingwood Collegiate Band, and they represented Ontario and Collingwood at Expo 67. They were down at San Antonio, at Hemisfair, in 1968, and then they received an invitation from the government of Japan to come to Expo 70 in Osaka, and they decided they would try to do it. They have raised most of the money needed for that trip. Now let me say that the government of Japan has promised to look after accommodation while they are there.

The local people, as I say, have raised most of the money required for the trip on their own, but we need a little extra. Since they are going to play at the Ontario pavilion, the Canadian pavilion and the amphitheatre in Japan, I think they are representing us. I would like to say that it is a recognition for Collingwood, a recognition for Ontario, and a recognition for Canada. I think the very least we could do is to give a little grant to the town of Collingwood, or to the band of Collingwood, which is going to represent our area, this province, at Osaka.

I would like to say this. I noticed there is \$500,000 for travelling expenses in the estimates. All we ask is just a little bit of that, or of the \$3 million for the Osaka fair. After all, we could easily siphon just a few dollars off that \$3 million.

Hon. Mr. Randall: Stay away from that \$9 million for Osaka, that is not right!

Mr. Downer: Okay, but the fact remains that we would like your department to give us just a little cream from the top of the milk, or perhaps just a little milk, and we would be satisfied.

I think we have done a good job in this area and I would like to suggest this committee go on record as supporting a suggestion that Mr. Randall's department see fit to make this grant. Thank you.

Hon. Mr. Randall: I will say it is in consideration, how is that?

Mr. Chairman: Next in consideration? The member for Windsor West.

Mr. Peacock: Could you tell us under which programme of the main office vote the Metro waterfront development is placed?

Hon. Mr. Randall: That would be under planning, promotion and advertising, under special studies.

Mr. Peacock: I know the leader of the New Democratic Party, the member for York South,

wants to raise this matter. Before he returns, Mr. Chairman, under that same programme item—planning, promotion and advertising—could the minister tell the committee the amount to be appropriated for advertising? Specifically, can he tell us what amount would be expended on the “buy Canadian” programme, or is that still going?

Hon. Mr. Randall: Can I tell you when we come to that vote?

Mr. Peacock: I thought we were at—we are still on item 1?

Mr. Chairman: We are still on the main office.

Mr. Peacock: Right, well I am looking at main office. We do not have to approve that.

Hon. Mr. Randall: That is under planning, promotion and advertising.

Mr. Chairman: Planning, promotion and advertising, which would be the third one.

Hon. Mr. Randall: Well we assume that the first item vote is approved.

Mr. Chairman: Main office.

Hon. Mr. Randall: Main office vote is approved.

Mr. Chairman: The first vote is approved. Main office?

Hon. Mr. Randall: Administration and financial services. Are they approved, Mr. Chairman?

Mr. Chairman: We have to take it item by item, which is what we are doing. So we are under main office at the present time.

Mr. Sargent: Would not an advisory committee—we are on 2201, Mr. Chairman.

Mr. W. G. Pitman (Peterborough): The first one is the main office, which is under 2201.

Hon. Mr. Randall: Yes, let us take the main office.

Mr. Chairman: All right, we have administration and financial services next, right? Carried?

Planning, promotion and advertising, now this is the one you wanted.

Mr. Sargent: The member for Kingston and the Islands was speaking about that.

Mr. Chairman: The member for Peterborough.

Mr. Pitman: Mr. Chairman, I would like to ask the minister just what special studies are being carried out under that particular vote. Please specify those studies.

Hon. Mr. Randall: Special studies?

Some of the special studies we have done under that vote have concerned such things as, in the past there has been the CNE study, to find out what we could do with the CNE—how we could assist the CNE. That, of course, we took care of in 1968. Then we carried on with a similar study in 1969, and we are carrying on with a similar study in 1970, only about 10—

Mr. Pitman: All on the CNE, of course?

Hon. Mr. Randall: Yes, in other words, the Shortt-Reid report I think came out in—it was a joint report by Metro, the province, and the CNE, to discover what they could do to the CNE after Expo 67 closed.

We undertook to take a look at the CNE operations and see what we could recommend, and, as a result of that course—

Mr. Pitman: Is this the Ontario building that is—

Hon. Mr. Randall: No, that was the Canadian National Exhibition itself. Now in 1969, under the studies we are doing right now—this is the Ontario Place. As a result of those early studies we developed Ontario Place. With Ontario Place we must study the kind of thing that is going to happen out there and what the people expect when Ontario Place is finished—what services they want, what they want to see out there. That is a continuing study which we are doing under these special studies.

Mr. Pitman: Could I ask what kind of people are being involved in this study of Ontario Place?

Hon. Mr. Randall: Well, we use consultants in some areas. Perhaps, Mr. Ramsay, you have got a list of all those people we have used? Would you like to make a comment?

Mr. J. W. Ramsay (Special Projects): Under that vote, Mr. Chairman, we have consultants, engineering reports, testing the project throughout the whole duration of the project.

We do attendance studies at the CNE to find what people like about the CNE, what they do not like; travelling distances, studies that help us to gauge where our audience will

come from when we open and what it is that they are looking for. We did these similar type of studies for Expo 67. This is normal.

Mr. Pitman: Do you have any sort of appropriation? I wonder if you have any continuing effort to involve as large a number of people as possible in Ontario Place? I think there is a general feeling that really the old idea of a building with stuff in it—either industrial materials, or things of various kinds—is really going out. So it is going to be tremendously important that Ontario Place be different, far different, than the kind of buildings we had at Expo 67. Indeed, different from what we have at Expo 70. I am just wondering to what extent you are bringing in sociologists, to what extent you are bringing in economists, to what extent you are bringing in artists and people who are in the media field?

In other words, are we putting enough in the input, the input of—

Mr. Ramsay: Well, I hope we are. We are doing innovative studies on what people are looking for. I think we have a topnotch media team on it. We are using all the media in Ontario Place; we are also getting audience participation in it, outside activities—

Mr. Pitman: To what extent are you getting audience participation?

Mr. Ramsay: Well, at the current time we have a programme where we have two or three young ladies and two men from the department that go around and address various groups—any groups—anything from yacht clubs, church groups and specialists on the subject. We go out to these meetings deliberately to solicit the feedback and to find out what it is that they would like to do.

The project has been under way for only a year. This summer on the weekends, when the buildings are closed—and this should be in about another five weeks, starting in July—we would like to start Sunday afternoon tours of the site with people. We can try some exhibit concepts. This we would hope to do in the course probably of the peak of CNE time.

We do have the problem of construction still going on in the site, but we are doing just about everything we know to insure that the exhibits will be successful. Then there are these static type of exhibits such as we had in Expo 67.

Mr. Pitman: I am more interested in the extent to which you have concerned yourself with young people. Are you doing anything to get them in from schools? These are the

only people who are really going to be turned on by it or turned off by it.

Mr. Ramsay: I think they will be turned on. We have not yet done groups. We have had some people in on it. We cannot accommodate as many as come to us with ideas and sit down and debate, really, with everyone. We are on a very rigid schedule. We open in 12 months, for example. In less than 12 months we will be open.

Mr. Pitman: Have you ever considered something in a newspaper, asking people to send in ideas on what kind of a thing Ontario Place should be? After all, it has to represent the entire province. Have you ever considered something like that?

Mr. Ramsay: I had considered it, but the thing that would worry me would be, frankly, that you would get something like 50,000 replies and think of the sheer staff related to trying to work it out and sort it out.

But we do go out on motivational studies, asking people what they think of some of these things. For example, on Expo 67 we did two prior planning studies: on what Expo 67 meant to the people of Quebec and what kind of presentation they expected from Ontario. We did the same thing in Ontario: what type of presentation did they want, what type of presentation did they expect that we would do? We found that they expected that we would be there in a black box with heavy industrial exhibits and everything else. But they hoped that we would go in on a very imaginative and striking manner with good staff and things like that; and we did.

Mr. Pitman: Did you do that with Osaka too?

Mr. Ramsay: No.

Mr. Pitman: Was that same motivation study made there?

Mr. Ramsay: No. It is not—

Mr. Pitman: This may not go over as well with the Japanese people. I want to address this to the minister. Is that one of the reasons why you think that there has been so much feeling that Osaka has not been as successful?

Hon. Mr. Randall: No, I do not think so. I think that the reason we are getting a little flak out of Osaka is that people like ourselves go out and expect to see the same thing that we saw, at the 1967 world's fair and the things in most of those buildings are entirely different. If you had a look at it—

Mr. Pitman: I cannot afford to go. You will have to tell me about it.

Hon. S. J. Randall: Maybe we can send you. Our point is that it was pretty hard to decide what would sell in Japan. It seems that during the first month or six weeks, mostly rural people were coming. As I said one day in the House, they travel in lots of 100 or 200. A fellow waves a flag and blows a whistle; and do not get in the way or you will get trampled. They go into the buildings and go right through; what they are doing is collecting buildings; they are not watching the exhibits.

For instance, we have a screen there that is 90 feet wide by 38½ feet high, and they walk right by a white screen to the exit door; they would not wait to see what comes on—I guess the fellow with the flag was moving, so they moved.

But now General Kitching tells us they are starting to get many more people from places like Tokyo—the young Japanese businessman and businesswoman and the young couples, who are not really real orientals. I think that what we have done is recognize that we must make some changes with what I call the modular communication vehicle, because there were 9,000 pictures flashing on in 13 minutes.

I think that even I would be boggled with that. But it sounded like a hell of a good idea when you started.

British Columbia and some of the other pavilions are into the same kind of a problem. So we have broken that up to make sure that we still have the same kind of a show and it is easier for them to watch.

Whenever you run a show like that, you will have to make changes, and I said again this afternoon, we are even trying to get our picture down from 26 minutes to 22 or even 19, because the more action you can get in the shortest period of time, the more people you can get in.

But wherever you run a show, you are never going to have 100 per cent acceptance, and in particular where people go all the way from down here and they have seen Expo 67. They say, "I do not like it as well." They have got something to compare it with now, and before they did not.

But I think the point is that we are not at all unhappy with our expenditures in Osaka; we think it is a good show in the main. We have some critics and then we have others who compliment it. You can take the critics and add them all up and you

will find it is about 50-50 for and against. But our feeling is that it is attracting good attention. We certainly could not keep pace with the Canadian government; they are spending about \$20 million, as you know.

Mr. Pitman: How much are we spending?

Hon. Mr. Randall: We are spending \$2.8 million and we will get back \$1 million in salvage, or we will use it at Ontario Place.

Mr. Chairman: The member for Windsor West.

Mr. Peacock: Mr. Chairman, I wanted to ask, in connection with the special studies on the CNE, if the minister or Mr. Ramsay could tell us the amount to be expended this year. Is the CNE itself sharing in the cost of the special studies?

Hon. Mr. Randall: No, the CNE is not in on this one. The one we are doing now is, I think, a \$60,000 figure; is it not, Mr. Ramsay?

Mr. Ramsay: Just for Ontario Place.

Hon. Mr. Randall: Just for Ontario Place! We have a \$60,000 study under way there now for Ontario Place.

Mr. Peacock: This is in addition to the capital costs which come up in a later vote? Now this is added to it?

Hon. Mr. Randall: Yes, this is in addition to the capital costs.

Mr. Peacock: And the CNE had no share in any of the 1969-1970-1971 expenditures on the special studies?

Hon. Mr. Randall: The CNE shared in some of the earlier studies, like the Shortt-Reid report. Right, Mr. Ramsay?

Mr. Ramsay: Yes, sir, and we are working with the CNE and we are on the current CNE planning committee. Most of the basic, fundamental reports related to the new CNE have been done, and they are now being done, by members of the Metro planning commissions, CNE staff and some by ourselves.

Mr. Chairman: The member for York South would like to ask a question?

Mr. MacDonald: Mr. Chairman, we have had a fair amount of discussion in the House by the way of elaboration and questions before the orders of the day on Harbour City, but Harbour City obviously should not

be viewed in isolation—it is only part of the whole waterfront development. It seems to me, Mr. Minister, that there is one extremely unfortunate aspect of this whole development.

Mr. Sargent: We are talking about vote 2206.

Mr. MacDonald: Pardon? No, I am talking about promotion and policy in relation to the main vote. I do not want to get into Harbour City *per se*.

I think there is one very unfortunate aspect of this whole development and that is you have come up with a concept, but this concept has been conceived and developed behind the scenes with very few people involved; but a few top people in Metro and the city of Toronto. When it is unveiled, it is presumably then going to be handed over to the corporations which are being set up. But may I draw to your attention, Mr. Minister, that in the city of Toronto's official plan there are no fewer than 14 mentions of the waterfront.

In other words, it was very, very much in their minds as they drew up the plan. And significantly, when the official plan was brought up before your colleague, the Minister of Municipal Affairs (Mr. McKeough), he was responsible for making certain that this clause was put in that plan, and I quote:

Notwithstanding any other provisions of this plan, council will consider large-scale development proposals, such as the proposed central harbour or Metro centre development, which have a major impact on the structure or character of the city, only in light of a study of the area undertaken for the purpose of recommending policies for adoption in part two of this plan. Council will not make any amendment to the zoning bylaws to permit such development without first adopting such policies as may appear necessary in light of the study in part two of the plan.

In other words, all of the details with regard to specifics on the waterfront, if they are going to conform with the official plan which your colleague insisted should go in as a specific point in the official plan, will have to become part of part two. As you know, part two means that the details of it are presented and there is an opportunity for public meetings and for full participation of not only everybody who is going to be involved in its implementation, but everybody who is going to be affected by its consequence—the citizenry at large.

Now I think the unfortunate thing, if this plan is as brilliant as you think it is, if the concept is so great in its future implementation, is that you have turned off in anger a lot of people who are intensely interested; and their interest should be encouraged in the development in the waterfront. What I want—because we have never been able to get it with any real assurance in the House—

Mr. Sargent: Who needs it in the first place?

Mr. MacDonald: —is an assurance that the government policy as a whole, not just your aspect of it, but the Minister of Municipal Affairs' aspect of it is going to be implemented and to make certain that before any final plans are drawn up for the waterfront, the involvement and fulfilment of the requirements of the Toronto city plan are going to be met, that there will be full opportunity for participation of all of these citizens, groups and citizens.

Now a week or so ago my colleague in the House the member for Riverdale (Mr. J. Renwick) asked a question of Mr. McKeough. Mr. McKeough's comment and specific reference to a supplementary question of Mr. Renwick—"Would the minister tell us to what extent he envisages some participation of the people who are going to be immediately affected in the development of the plans?"—was: "Of course, they would be affected in a number of ways. They would be affected first of all by the expenditure of municipal funds through the conservation authority."

Well you see that is so narrow in its concept. We all know that we are going to be affected by having to pay the bills. We do not need to be told that. But once again, he underlined it. Even the Minister of Municipal Affairs, who is responsible for putting that commitment in the official plan, was not alive and alert and willing to assert the right of a broader group in the community to participate before the plans are finalized.

Now from your point of view, as a man who has as much as anybody to do with it, and in fact more than any other minister up to this date, what assurance can you give—not only to us but more important to all of these people in the city whom you have turned off and whom you will anger so that their initial reaction is going to be one of hostility rather than enthusiastic reception—what assurance are you going to give to them that they can play their legitimate role as is laid down in the official plan?

Hon. Mr. Randall: Well first of all let me just say this: I think you are referring in the main to the Metropolitan waterfront plan, that is the whole plan.

Mr. MacDonald: The city plan.

Hon. Mr. Randall: And they came to the government when that plan was completed and Mr. Allen, the former chairman of Metro, had big signboards down on the waterfront: "This is your new waterfront." But nobody, as a whole, nobody had crossed a "t" or signed a document. And as I said in the House the other day, prior to that and after that was introduced there have been 101 plans for the waterfront; and so far there are only two things going on, Ontario Place and the *Star* building.

Insofar as the waterfront is concerned, we met with the city officials. We have a list here as long as a wet week of all the people we have discussed the programme with to get their help and their ideas. And out of those discussions we have put together a package for the simple markets.

Mr. MacDonald: Well really, Mr. Minister—

Hon. Mr. Randall: Wait a minute now, let me finish. We have a programme now for the centre. The programme that we asked the conservation authorities to undertake is the one that is going to take 15, 20, maybe 30 years.

Chairman Campbell said: "Can you give me some assurance that we can get underway with that programme; maybe out off the Scarborough Bluffs or out around Pickering or down the other side of Etobicoke."

So we worked out a programme whereby the conservation authority, with their approval, could look after everything in that Metro waterfront plan from Coxwell Avenue east and the Humber west. And they have the staff, the engineers, the planners, to do that. When they decide what they want to do, then they will come back to the government through the conservation board and say how much money they need to go ahead with it and when they are going ahead and what they are going to do. And people again will participate, I think, in any plans that we have.

Now we come back to the centre waterfront programme. Off the CNE, as you know, we are building Ontario Place because that is replacing the government building in the exhibition grounds. That programme is underway.

Now we come to the centre part. In Toronto Bay, which is controlled by the harbour commission and the city of Toronto,

we have no jurisdiction in there whatsoever. We do not want any jurisdiction in there because it is private property on the mainland, on the main shore where it is being sold to Campeau and people like Mr. Campeau. But when we started to look at the plan and they asked for permission to sell off Harbour City as a commercial undertaking, we said: "Well, just a minute. Let us take a look at who owns which." It is then that we ran into the titles of who owned the land.

In order to protect the citizens of this province who have an interest in that land—I think you would criticize us, and quite rightly, if we said, "just go ahead and help yourself". And if you had found them building a high-rise tower by Mr. Campeau on that present airport out at the island, and they had made themselves several million dollars, you would say: "Well, the harbour commission certainly made a fancy profit at the expense of the Ontario taxpayer."

So it was necessary for us to find out first of all who owned the land. How can you have citizen participation until you know what you are talking about? So we had to solve the problem of land.

The mayor came to see us with his group. A couple of months ago we met with the Prime Minister. They said what they would like to see done and we said: "All right, we will undertake to put it together for you and see if we can come up with a plan that you will accept and that we can help you with."

We had a meeting with the harbour commission and the mayor and his councillors a few weeks ago and do you know what happened? Somebody took what was called the Act to form the corporation. It was an illustration of what could be done; and the first thing we knew we read it in the newspaper. So how do you keep these things from not becoming public property till you have all agreed on it?

Now it was a look-see, it was an offer to put a corporation together and how it could work and also to meld all the difficulties with regard to the land. It no longer matters now who owns the land—whether it is the Toronto Harbour Commission, the city of Toronto, Metro or ourselves. If we all put into the pot and it is a non-profit organization, it does not matter who owns the land.

After we got that done, we said that what we now have to do is let people have a look at what would happen out there—an illustration of a concept. And that is simply all we have; an illustration of a concept. Whether

it will look like that when it is finished—if it ever gets started and the city of Toronto has to make a decision—we do not know.

I told you in the House the other day that it is not a unilateral decision on the part of this government. The city fathers and the mayor will have to make up their minds whether they want to develop the waterfront anyway out there. Whatever they want to do, they have to make up their minds.

Next week we will be presenting the model and further information to the people who are going to be responsible for building it. After that point, I think, participatory democracy comes in and the people can come in off the street and have a look at it. It has not been sold up to that point. It is a picture they can come and have a look at. The Chinese say a "picture is worth 10,000 words". I do not know how you could ever get all these citizens' groups in to talk about the waterfront if they could not visualize anything.

After next week they will be able to visualize it and take it home. It is spelled out and I think I spelled it out in words, not only in the House but also to the press. What the press does with some things, of course, I cannot be responsible for. I have suggested that it is an illustrated concept that can happen on the waterfront if the parties involved want to see it happen. That is the way it will be presented to the city fathers, I would hope, next week.

May I just finish? When that has been done, let me assure you, as far as my government is concerned, we are not going to force any concept on anybody. We say: "There it is; there is the model. If you think it has merit, we will help you. We will set up the corporation. We will help you set up the whole programme."

Mr. Sargent: Why are you there in the first place?

Hon. Mr. Randall: We have every right to be.

Mr. Sargent: Why? What right do you have to stand up like that?

Hon. Mr. Randall: Wait a minute—

Mr. MacDonald: Mr. Chairman—

Hon. Mr. Randall: Wait a minute!

All I am saying is that the people who you and I talk to—you say they have been turned down. There is only one newspaper I know of which has turned it off and they

are entitled to their opinion the same as we are. The other two Toronto newspapers seem to be quite happy with what they have heard and seen so far and they have not seen any more than the third newspaper, I can assure you.

As far as the citizens' groups are concerned, we would hope that when the city fathers have a look at it they say to us to go ahead and show it to the public at large. That is exactly what is going to happen after next Wednesday, Mr. Ramsay. We are making a presentation to the council. Some of the planners involved, the people who are involved in this—and that will be public knowledge—can ask any questions they like. They can come in and look at it; they can make suggestions. I can assure you as far as my government is concerned, we are not going to push anything the city of Toronto does not want.

Mr. MacDonald: Mr. Chairman, I am not going to belabour this point. Let me make this point very clear. I do not object to you being in there because, quite frankly, there was a real confusion in terms of the ownership of the land and it is a little reassuring to discover that a minister like you, who normally has prided himself on his free enterprise principles, has a little socialistic concept of public ownership and retaining it. It is rather good that on occasion you grasp the essentials of life and its development on this planet.

Fine on that, but what I want are assurances that when we get to the stage of working out what might be the various parts under plan 2 of it, that there will be full participation. Rightly or wrongly—you say only one paper is turned off, the other two are turned on—well, they are promoting this whole concept. They are promoters like you and they do not seem to be turned off, but there are an awful lot of good citizens' groups and an awful lot of people who have a legitimate right to be consulted have been left out.

The Toronto Planning Board—God help us, the Toronto Planning Board surely should be an integral part of the whole thing—and it has been making statements to the effect: "What is going on? We are really not in the picture. We hear there has been a meeting with the mayor or with certain other unnamed top officials." Now, if the Toronto Planning Board feels it has been out of developments up until now, what will the various organizations—

Hon. Mr. Randall: Can I ask you a question? People elect the mayor and the council, and surely we must go to the mayor and the council to get their concurrence with this plan before we call the Toronto Planning Board. I would think the Toronto Planning Board would have the good common sense to recognize that their superiors, their bosses, must make a decision first. You know what happened to me in the House. We often have it happen in the House. A minister makes a statement and one of your people says: "How come the press has got the copy before I got it?" Now we cannot place ourselves in that position.

Mr. MacDonald: You appear to have answered my question, but you have not really; because the fact of the matter is that no more than a month or six weeks ago, even the mayor said he had no real contact. So, within the last four to six weeks, he appears to have been brought into the picture, to say nothing of all of the skilled and expert civil servants.

Now if these people in varying stages have been brought in, it is a pretty elite kind of group that has come to the decision. I am pleading with you that you make certain, or we will try to get your colleague to make certain, that from this point forward you live up to the commitments that are laid down in the official plan of full participation and of full study and input of ideas. I was a little disturbed by Mr. Ramsay's comment that if you ask for them you get 50,000 ideas and that is the problem. Well you know, democracy is a problem if you ask everybody to participate. But if you do not ask everybody to participate and a few people run the show, that is not democracy.

Hon. Mr. Randall: I agree with you. I think the people should participate, but they have to know what they are participating in.

Mr. MacDonald: Okay.

Hon. Mr. Randall: This is the point I want to make; that we want the people to participate because this is a major undertaking. It is going to change the whole face of Toronto, undoubtedly, and they have to participate, but I do not think they can participate if they walk in and you do not have anything for them to look at and they say, well, that is a harebrained scheme if ever there was one.

Look at the criticism when they came to Buckminster Fuller's scheme. You take the bottom of Yonge Street and you go all the

way up to Eaton's and you knock the buildings over and put subways under. A lot of people said, this fellow must have fallen off a high chair and hit his head on something.

Now the idea is not a bad one if you have the kind of money that you can go ahead and push it with. And we say that this project we have here is feasible and we have been looking at all the feasibles in this thing. We have put it together and said, well now we have something to look at.

We did the same thing with Ontario Place, we made it public as soon as we had decided what we were going to do and how we wanted to do it. We let people have a look at it and there has not been any objection to Ontario Place. Most people think it is—

Mr. MacDonald: What is the point of objecting, the decision is cut and dried?

Hon. Mr. Randall: Well it is another building.

Mr. MacDonald: But that is nonsense. It is not just another building.

Hon. Mr. Randall: That is a provincial building; that is a provincial building. No, what you are talking about on the waterfront, my friend, is a whole new satellite community and a satellite community should be something people should participate in and this is what we say they should do, but they have to have a look at it first, they have to see what they can participate in. They have to see it; they have to feel it; they have to touch it.

Mr. MacDonald: The city of Toronto Planning Board has a report that was presented on April 3 which raises 18 policy issues for discussion. Now, maybe if they operate—

Mr. Sargent: What vote are you on, Mr. Chairman? What vote are you on?

Mr. Chairman: We are on planning and this has to do with planning.

Mr. Sargent: He is talking about Harbour City; and Mr. Apps was up next—

Mr. Chairman: Yes I know Mr. Apps was up next, but actually there is money in this vote for planning and this is what the member is talking about.

Hon. Mr. Randall: There is money in this vote and we are talking about research planning.

Mr. MacDonald: The only point I am making is that this report contains no fewer

than 18 policy issues. Now I would have thought that rather fuller, wider participation in the discussion of these policy issues might have helped in the creation of the concept, to say nothing of the details which round out the concept. But are you going to give us the assurance that there is a willingness on the part of the government to participate in such discussions and not only a willingness, but a willingness to take the initiative and make dead certain that there is an opportunity for public participation? Because when Mr. McKeough gets up and says the citizens can participate because they are going to be paying the bills, we know that without him telling us.

Mr. Chairman: The member for Kingston and the Islands.

Mr. Apps: On the same question. Mr. Chairman, I do not resent what is happening along the waterfront in Toronto, I think it is high time this be made a beautiful area. The thing that I sometimes resent is the fact that I sometimes get the impression that Toronto is the only place that has a waterfront.

Mr. MacDonald: You have got one in Kingston; you have problems there.

Mr. Apps: Well we have a fine waterfront in Kingston and we are getting some of it developed by private enterprise, but the point remains that if you are prepared to help Toronto beautify its waterfront then I think you should be prepared to help any other city that has a waterfront to do the same thing.

Mr. MacDonald: That is why I asked the question the other day.

Mr. Apps: The first question I would like to ask you is would you be prepared, and on what basis, or how do you go about getting approval of The Department of Trade and Development for other cities to get help in developing their waterfront?

Hon. Mr. Randall: All I can suggest is that if you have an idea of what can be done to your waterfront, come and see us and let us have a look at it. I do not think anyone in this government is going to turn down a viable proposition. And let me just point out that the waterfront programme we are looking at right now is a self-liquidating project. It is not a gift; it is not developing another part. It is a satellite city that over the years, we have 13 or 15 years, will liquidate itself without one dime of the taxpayers' money.

Mr. Apps: Mr. Chairman, this is not confined to the city of Toronto. We have other cities in the same situation trying—

Hon. Mr. Randall: Oh, I know it is not.

Mr. Apps: The point I am making is, all right, we are doing this for the city of Toronto. Fine, more power to them. I agree with it, but I think we should be prepared to do the same thing for other areas and we in Kingston certainly will be getting in touch with you in that connection—

Mr. MacDonald: What is your problem there?

Mr. Apps: Well, our problem is not as serious as maybe some of your people try to make out—

Mr. MacDonald: It is so.

Mr. Apps: —but this is an area where private enterprise is going ahead, and I think doing something very beneficial for the city of Kingston. But there is more to our waterfront than what is being done by them at the present time. This is what I am talking about.

Secondly, in relation to planning, I would like to cover these other three points. You do a lot of planning for big projects. I would like to ask you if you would do some planning on small projects. It would help, to a great extent, what has been called the small businessman here. First of all, a lot of companies go bankrupt. Provincial sales tax has already been paid. There is no way on earth you can get that sales tax back. You have paid the money; you have not got it back. The company has gone bankrupt, and this—

Mr. Chairman: I think you are out of order.

Mr. Apps: No, I am talking about planning.

Mr. Chairman: Oh, you are talking about planning. What are you—

Mr. Apps: I am talking about special studies. Is that not what we are at now?

Mr. Chairman: That is right. We are on planning, promotion and advertising.

Mr. Apps: Right! Now what I would like to have you do is take a look at this. This is The Department of Trade and Development; you are trying to help industries. You take a look at this and see if there is any way in which a reasonable solution can be worked out whereby companies could be

reimbursed for the sales tax they have never collected—that they have paid out but never collected because of the bankruptcy of the company. Now, that is number one. I think this would be a help to many small companies.

Secondly, when your sales tax representative comes into a company, all work stops. Period. They do nothing for about a week, except to try to get the information that your people require in order to make sure that these companies have paid their sales tax properly. They receive no reimbursement from that whatsoever. Nothing.

The federal government does make a very small reimbursement for the collection of their 11 per cent sales tax. I would like you to have a look at that to see if there is any way in which at least a small fee could be charged by the company to do the work that is required. I realize it comes under The Department of Revenue, but you are here to try to help companies and I am putting this in as a request to see what can be done in that connection.

The third one, of course, is whether there is any way in which you can aid smaller businesses in obtaining a little more operating capital. They will not get it from the banks. The banks are pretty mandatory people. They say, no, that is it, regardless. They have not got any money and so the small firms cannot have any extra money even if they deserve it. The banks say: "Well, we would like to do it but our head office says no, we cannot make any more loans."

In this particular time this is very important and I realize that this may be an insurmountable problem and it may not just be possible to do, but you have a section of special studies, so would it not be a good idea to see if anything can be done to alleviate this particular situation which, I can assure you, is a serious one?

Mr. Chairman: Any comments?

Hon. Mr. Randall: I will look that over. The first item, of course, deals with Treasury and Economics so I will pass on your comments to them. As far as bank credit is concerned, we are dealing today in a very difficult situation and I do not think this government, or even the federal government, has sufficient money to take care of all the people that cannot get an overdraft or bank credit today, and it is highlighted by the fight against inflation.

I think the other day, when the bank rate in Ottawa dropped a half of one per cent,

that immediately the reserves went up another one per cent so it made it tougher than ever for the small businessman, or the fellow who is on the market, to get money. I must come back and say I do not know where this government, or even the federal government, is going to get sufficient funds to bankroll every small manufacturer or retailer who says: "I am shut off at the bank."

As much as we recognize that if the guy goes bankrupt we have to find a new industry to put there to sop up the jobs. I see the difficulties. I just wonder where we are going to get the funds.

Mr. Apps: I can understand the difficulty, but it is a serious situation.

Hon. Mr. Randall: I know it is.

Mr. Chairman: Mr. Sargent, Grey Bruce.

Mr. Sargent: Mr. Chairman, I fully agree with the member from Kingston and the Islands. He is very much on target and he knows what he is talking about.

It is incredible that we do not have a minister who, if he was not used to doing big wheel jobs all the time, could think like an ordinary small businessman. But he is lost in the human touch. He does not know what is going on in the area of small business. I can tell you he does not. I think that for a government that is in as much trouble as you collectively are in this province, I think if you do not know it—

Hon. Mr. Randall: You should be helping us.

Mr. Sargent: Pardon me?

Hon. Mr. Randall: You should be helping us because the next time we are going to the polls, why you are going to be the new minister.

Mr. Sargent: I would not think so.

Mr. Chairman: I do not know whether that exactly comes under this vote or not, but whoever—

Mr. Sargent: I do not think I would, because I do not think I would have the patience that you have to sit up and have guys like me giving you hell.

Hon. Mr. Randall: I usually get it at home. Go ahead.

Mr. Sargent: I admire you all for the job you do, but this is my role and I do it very

badly sometimes. I want to say, that you are in a mess—your government—you are living in a nightmare. You tell me, Mr. Minister, the motivation.

Who casts the die to shoot a wad like \$8 million in the first guesstimate, like we had a guesstimate of \$5 million for a science centre which ended up costing \$30 million. That money belongs to five million people throughout the province, not the two million that live here in Toronto. It belongs to the people who live outside Toronto in the rest of the province. So you make the decision, then, to spend x millions of dollars on things called Ontario Place; and where do you get the sagacity to launch a programme like Harbour City? It is not your problem whether Harbour City is a *fait accompli*—whether it works or not.

You have enough problems with the out-lying 117 ridings, but you are concentrating all your spending here in Toronto on the lakefront and God knows what else.

The member for Kingston and the Islands says, would you give us a similar project on our waterfront, and you actually say you will look into it.

Quit kidding! You have no right to be doing things like that. That is not a function of government to spend money across the province like that, or in this place either. It is the allocation of resources on behalf of the people and you are allocating the resources here to the votes in Toronto and to big business and that is not your function. You have no right to be spending on these projects here in Toronto.

Having said that, if you are going to continue on the vote I want to talk about the studies in this vote. But first of all, if a member wants to talk about Harbour City—

Mr. Pitman: Yes, that is the subject.

Mr. Chairman: Yes, there is Mr. Pitman for Peterborough who would like to—

Mr. Pitman: I have just two points I want to make. I will not make any great demands for us. I just have two points. One is what I regard as the structure of the city—

Mr. J. Renwick (Riverdale): I expect he wants a new constituency.

Mr. Pitman: —that there is a concept whereby participation is something that takes place after, really, the die has been cast and everything is over. Essentially it is all over. I think this is what is wrong with most of the

participation which takes place with people in regard to projects of this nature. If you really want the people of Ontario—the five million people that the member for Grey Bruce talked about—if you want them to feel they are a part of Ontario Place or have some role in Harbour City or whatever other project is becoming a part of Toronto or Queen's city, the provincial capital. For heaven sakes get some participation at the beginning!

Now the minister said that you cannot have them participate when you do not know what it is all about. Well that is the next point I want to make: on what the nature of planning is in the 20th century as I see it. It is not, I think, developing a plan, a single plan, in such a way that you present a single plan to good people and say: "There it is. Now this or nothing." You know, it is sort of like the 1935 election. It is "King or chaos."

I do not think that this is the kind of alternative which we have the right to present to people—whether it is Harbour City or whether it is Ontario Place. It is as if you have a group of alternatives. You balance off what is recreational, what relates to housing, what is urban renewal, what is public and private and you present a series of alternatives and you say that this is what we can do with the harbour of Toronto or we can provide this, or if you give a group of meaningful purposes where there is some selection of alternatives, rather than simply this or nothing; this or we go back to the mess we have down there now.

Those are the only two points I want to make. Because this minister is more and more becoming a minister of development, I think that his department should be very clear of what the structural participation is. A meaningful structure of participation, is not simply getting 50,000 people at the end after it has already been settled.

Secondly, I think it relates to giving a series of alternatives, and we are living in an age now of computers, and all kinds of methods whereby we can provide these kinds of alternatives. I suggest to the minister that that is the way it has got to be from now on.

Mr. Chairman: The member for Windsor-Walkerville, are your remarks going to be in the same vein.

Mr. B. Newman (Windsor-Walkerville): On planning generally, but not on this particular portion.

Mr. Chairman: Would you like to make comments?

Mr. Peacock: Yes.

Mr. Chairman: Mr. Peacock, Windsor West.

Mr. Peacock: Mr. Chairman, I had a thought similar to that of the member for Peterborough in respect to what to the choices and the illustration that the minister and Mr. Ramsay spoke of, to be offered next week, would contain. I fear that perhaps the member for Peterborough is right, that there is going to be one monolithic plan to be presented to Mayor Dennison and the members of the city of Toronto council and the planning board.

I know he is reluctant to talk about details at this time, but I think in some manner the minister has got to indicate to us whether the choices will be built into the planning that is now being done in preparation for the presentation next Wednesday to the city of Toronto.

I suspect, along with the member for Peterborough, that given the minister's background in business he will write what he thinks is a pretty good plan and he will bring all the motivational and market research that he can muster behind it to sell it, in the same manner that Mr. Ramsay described studies being carried on in support of the Canadian National Exhibition Association.

You come up with the idea; you know how to market it and I think that is your attitude towards it, that you will sell it. And given the kind of relationship between the city and its electorate and citizenry, you probably count on acceptance by the city. So that is why I say that the illustration, or the presentation next week, has got to have the choices built into it that the Community Planning Association or the Metro Toronto planning boards have listed as the 18 points referred to by the member for York South.

Mr. Chairman: Do you want to make any further comments?

Mr. Peacock: Will they contain—

Hon. Mr. Randall: I would say that the plan that will be presented actually will be a very, very flexible one. We recognize that it is a major undertaking. Perhaps it is one of the first in North America, if not in the world. And it is not a decision that is easy for anybody to make including the officials of the city of Toronto—including the planning officials of the city of Toronto. I think when they see the plan that we give them next

week and they talk to their various groups who elect them to office, whether it be the planning authorities or municipal officials, I would think with the flexibility that will be in that plan and presented in the way that we will present it, they can make a decision whether they want to change it, or whether they want it to be as big; whether they want it smaller; what the cost can amount to. I think everything they want, and the information they need to make a decision, will be there.

Now I can assure you from talking to the mayor and talking to some of the city officials that they feel the same as we do. This is a major undertaking for the city of Toronto and perhaps the province of Ontario. It could have a bearing on what would happen to satellite cities all over the world when this is presented. It is a city on water; it is like Venice, with parks—a little different—and when it is presented I think they can make up their minds how big they want it, how small they want it; what they want to do with it.

You have my assurance, and I told your leader this afternoon, we have no intention of selling anything. We intend to present it piece by piece, providing the information they want so they can take it home and study it. Then we are available for any consultations, whether it is citizens groups, or any other group that wants to talk to us, once the presentation has been made to the city officials.

But, first and foremost we must deal with the people who are responsible for running the city of Toronto and who will be responsible for authorizing or going ahead with the waterfront plan if they want to go ahead, or cancelling it if they want to cancel it. Thank you.

Mr. Peacock: Mr. Chairman, just one other comment in regard to that. I accept the minister's necessity of dealing with the elected authorities. However, in answering questions in the House last week and the week before, he spoke of the likelihood that the development would result in a lower density of use—recreational or commercial or whatever other use—than now prevails on the mainland. I wonder if he is in a position to tell the committee now what area, what acreage, will be provided for the site of Harbour City. I believe in his answer to the questions in the House last week, he spoke of the entire Toronto islands' land area as being part of the—

Hon. Mr. Randall: Of all the Metro area that exists now, not one square inch will be touched. The parkland that is there now will not be touched. It will remain exactly as it is. The area we are talking about is on the mainland. That is, across the western gap where the old ball stadium used to be; all the rest of the land is to be created to the west of that.

Mr. Peacock: With all new land?

Hon. Mr. Randall: All new land where the water runs to 28 feet. There is only one area where an arterial highway comes down and it makes a bend. There are 15 acres of Metro park in there and—

Mr. Sargent: What authority have you to make that statement now?

Hon. Mr. Randall: Just a minute, now!

Mr. Sargent: What authority?

Hon. Mr. Randall: The road comes through there and if it does not make a jog, it goes over the top of a piece of Metro land which is roughly 15 acres. People are going to walk under it, play under it, do whatever they want under it. But if there are any objections made to Metro, then it can be swung to the left and kept within Harbour City. But I do not think there is any difficulty as far as chairman Campbell is concerned. We talked about it but this is a minor detail with reference to the whole plan. All the land is going to be built out of the new land.

Mr. MacDonald: Can I ask one question? Is there general legal acceptance of the proposition that you were asked about in the House when you replied to a question of mine that all new land by fill is provincial land?

Hon. Mr. Randall: That is right.

Mr. MacDonald: Is that accepted?

Hon. Mr. Randall: Yes, that is accepted. Under The British North America Act, everything outside of the city of Toronto harbour belongs to the province of Ontario unless decided to somebody else previously. For instance—

Mr. V. M. Singer (Downsview): And that would be true, for example, in Kingston, if there was some fill—

Hon. Mr. Randall: No, just a minute. In Kingston you are talking about Lake Ontario. If it is in the harbour, it belongs to the city

of Kingston. Out in the lake belongs to the province of Ontario and every time they come to the government and say we want to use a water lot, permission has been granted, if they are going to use it for parks or for those purposes.

Remember, in this case, Harbour City was predicating the first harbour plan on all this land which is the property of the people of Ontario. This is where the discussions came in with regard to land ownership. When we say we will put, I think it is 1,615 acres of newly-created land out there, 625 new acres will be created to the west of the island which is the main part of the Harbour City property. That land is all the province of Ontario's at the present time under The British North America Act and nobody has disputed it.

Mr. Peacock: Is all the new land going to be in the lake or some of it in the bay?

Hon. Mr. Randall: No, the bay will not be touched by it; there will be no land in the bay. The first harbour plan showed another island in the bay off the western gap and they finally recognized that that was not a good project. When we talked about the land that we could provide to the west of the island they forgot about their putting an island in the bay.

Mr. Chairman: Does this serve the same point?

Mr. Peacock: Mr. Chairman—

Mr. Chairman: Now, just a moment—

Mr. Peacock: Mr. Chairman, I want to come back to the matter of density. Is the minister able to give assurance that none of the offshore land—the Toronto Island airport which I believe is to be closed in the near future, and put under development, and the other island lands—will be considered within that area in which the Harbour City programme is redeveloped. You will not in any way consider reducing the density of the 7,000 people that you mentioned putting there from the city?

Hon. Mr. Randall: The Metro lands up to now have been left exactly as they are. In fact, when we are finished there will be another 125 acres of land created around the concept which will be turned over to Metro for parks.

Mr. Chairman: "Mr. Newman, Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, I wanted to ask of the minister, getting away from the Harbour City development, if there have been studies throughout other parts of the province concerning waterfront developments, not necessarily on the grandiose scale such as we have for Harbour City, but possibly on a minor scale?

Hon. Mr. Randall: None of them have been brought to my attention. Whether they have been brought to lands and forests or not, I could not say, but not to us.

Mr. B. Newman: Has the department undertaken any type of overall studies for parts of the province that might indicate that certain areas would be better developed in a given fashion? I could specifically refer to possible studies in the Essex county area, seeing that we are blessed, or you could say plagued, by more watercraft than any other part of the province of Ontario and that possibly a large-scale marina development might have some economic impact and advantage to the given area.

Hon. Mr. Randall: Well, I think the development in those areas would come under regional development in the treasury and economics portfolio. Insofar as we are concerned, what I have suggested I said to my friend for Kingston and the Islands, if there is an area in any municipality or any city around Ontario that can be developed on the water and a greater use can be made of it, I think it is up to the municipal system to bring it forward and let us have a look at it.

I do not know whether it is feasible or not, but perhaps in the many areas you suggest a marina could be built and then it would be a good asset for that particular community. And for myself, I am over at the Toronto Island. I think it is a beautiful marina, but they had a hard job running it last year and making any money, and I had to go over last Sunday to see if I was going to have a slip over there this year because I brought my boat down from Lake Simcoe. I have got it in Oshawa and I want to keep it off Toronto Island for the summer. There is a beautiful spot over there. It is a good marina, but it has not been developed because Metro turned it over to a couple of fellows on a rental basis and there just was not enough money put into it. They were planning yacht clubs and a few other things that they have not yet developed. Although this year, I understand, new people have it

and will develop it by making very good commercial projects over there without using any land that is now taken for parks.

Let us recognize that some of that land over there is bullrushes and sand and people never get to it.

Now Metro has taken that piece of land over there and developed quite a harbour out of it. But there has not been enough money put into it to generate a good commercial vehicle as yet. However, I would suggest to you if there are any areas that you know of where a marina could operate through the municipality's position insofar as economic circumstances are concerned, we would take a look at it.

Mr. B. Newman: May I ask of the minister who instigated the studies for Harbour City? Was that under your department or was that a request from the municipality?

Hon. Mr. Randall: Well there was no request. What happened, of course, was there have been a number of studies on the waterfront, as you know. You have heard the name Marvo; I think it has come up at least 1,000 times within the last five or 10 years. They are great plans—on the mainland and over here where the ferries take off—but nothing was ever developed. People had options, but nothing was ever developed.

When we get into looking at the CNE problem and then get into replacing our own building at the CNE, and the Harbour City, the harbour commission had their own Harbour City plans. A man was to sell the property that they now own over there and on the mainland to people like Campeau.

Now if that had taken place, on much of that island area over there, for instance on the island airport, they would have built commercial buildings and then they would have been the richest harbour commission, I think, anywhere in the world.

Now when we get a look at it we say, well, if we are going to give border lots to the harbour commission, far better we develop it for the people. And this is how we came to our concept; I should say a concept put together so that we could develop that land for the people. We could build housing for an integrated community over there.

Now as I say, we are going to present the plan next week and everybody can take a look at it and see if it is a good plan—should we go ahead with it or should we not go ahead with it?

Mr. B. Newman: Well it could be that the idea of the planning is very good, Mr. Min-

ister, but you made mention that this was a project of the department itself and not really suggested by the municipality. Why would you not treat other parts of the province in the same fashion? Why would you not come along and conduct similar studies in other places throughout the province of Ontario? Why do you simply favour the city of Toronto?

Mr. Sargent: Hear, hear!

Hon. Mr. Randall: Well I do not think we favour the city of Toronto. All I say to you, as I have said to my friend for Kingston and the Islands, if any of these fellows will come forward with a plan and ask for our help, we would be quite prepared to take a look at any plan they have and see if we can help them. As I said, we would get into it. And if you recall that Expo '67 drove everybody down here screaming their lungs out: "Montreal gets everything, poor Toronto gets nothing." And they even agreed to send back our old garbage cans to us.

Mr. Sargent: We will trade you hockey players any time.

Hon. Mr. Randall: All right!

So we got into the study because of Expo '67. People said, "What is Toronto going to do?" The exhibition itself is called a country fair.

There was a lot of criticism which I say was unjustified, but nonetheless the CNE had to take on a different physical character. There had to be something new in there.

So, when Mr. Robarts spoke out there—and I think it was August, 1968—Mr. Pearson was there and he said, "If the province will put up half a million dollars, I will put up half a million dollars."

Now that would just paint the flagpole, as you recognize. So far the federal government has not put up a five-cent piece, but the province has gone ahead and helped the CNE develop their property.

Mr. Chairman: Just a moment now, Mr. Newman has the floor.

Mr. B. Newman: The minister is still side-stepping the issue. The development of Harbour City was at the instigation of your department, not as a request on the part of the city of Toronto, or Metro at all. If you are going to instigate such studies in this area, there may be hundreds of other areas in the province that could probably benefit to a greater extent—because of their size, maybe

even a small development could have a tremendous economic impact on them. Maybe some of these studies should, likewise, be conducted in other areas.

Hon. Mr. Randall: I would suggest to you, sir, that if you have anybody who has an idea, tell them to come and see us.

Mr. B. Newman: But you see, this idea was your idea, so why not come along and implement similar types of studies for ideas in other areas?

Hon. Mr. Randall: Have you ever had the big thick book put out by Metro, "Toronto Waterfront?"

Mr. B. Newman: Do I have it?

Hon. Mr. Randall: Well, you get a copy. The Metro waterfront plan was put out a few years ago and this started people looking at the waterfront to see what could be developed. Out of that the harbour commission decided on Harbour City. This is where my friend said, "Are you going to fill in the bay?"

From that we got into the CNE studies, and into Ontario Place, and we said we will—

Mr. B. Newman: But you were not asked to do this study at all. You did it on your own.

Hon. Mr. Randall: We do a lot of things we are not asked to do, but—

Mr. B. Newman: This is the whole point that I am getting at. You did it on your own; why not do similar types of studies in other places?

Hon. Mr. Randall: Tell us what your potential is then?

Mr. Apps: Mr. Chairman, I would like to—

Mr. Chairman: Order! Is there a supplementary question?

Mr. Singer: It is not supplementary. We have got away from Harbour City. Surely you can wait your turn the same as anybody else?

Mr. Chairman: I think, Mr. Apps, that I will recognize Mr. Singer from Downsview. He has the floor.

Mr. Singer: Mr. Chairman, I arrived a little late. I gather from what has been said that you have been discussing Harbour City—

Mr. Chairman: I must say there has been a lot of discussion about Harbour City and I hope that you do not—

Mr. Singer: It is difficult. Under the way the House is working now we move upstairs and downstairs.

However, as I understand from hearing what I did just in this last 10 minutes or so and what I have gathered in the House, the scheme as set up a year ago has pretty well been abandoned. There is now a new one and the announcements made by the minister that he had hoped—I think we have reduced it to that—that he hoped building would start in Harbour City in 1970 has sort of gone by the boards.

Hon. Mr. Randall: I did not say that.

Mr. Singer: Oh yes you did.

Hon. Mr. Randall: No I did not!

Mr. Singer: I can read chapter and verse quoted out of *Hansard*.

Hon. Mr. Randall: Come, come now. Do not put words in my mouth.

Mr. Singer: Let us not fight that one again. There is no immediacy on the minister's behalf that this thing is going to start this year, or next year, or in five years.

I would be summing it up correctly, I think, if the minister says, "Here are the plans and if you fellows like to, go ahead." Is that the present situation?

Hon. Mr. Randall: No, that is not right at all.

Mr. Singer: I would like to know how this thing is going to be financed. Is the province doing anything more than just draw plans and saying this is a good idea and we will help?

Do you anticipate that either the city of Toronto, or the municipality of Metropolitan Toronto, on their own, and in light of their present difficulty with raising tax money and the present very substantial burden on municipal taxpayers, is going to be able to embark upon this kind of development, even though you call it "self-liquidating?"

Who is going to pay for filling in the land? Who is going to pay for water services, for sewer services, for new roads, for all the other variety of things?

Is the province committing itself? Is it going to be part of this plan that the province is going to make capital advances to the full extent, or is this whole burden about to be thrown on the shoulders either of the Metropolitan Toronto taxpayer or the city of Toronto taxpayer?

Hon. Mr. Randall: Mr. Chairman, the proposed corporation outline was published inadvertently by one of the newspapers, I think two weeks ago. The hon. member was in Japan; I do not know.

We had a confidential meeting with the harbour commission and the Toronto council. The next night we read what the outline of the corporation was to be, and how the corporation would operate, in that night's paper. So it is pretty hard to keep these meetings confidential, once you start bringing in groups.

The project will be self-liquidating on the basis that everything in Harbour City will be—

Mr. Singer: Let me get one point quite clear. The plan does not envisage touching at all the existing Toronto islands and the parks?

Hon. Mr. Randall: That is right. I confirm that.

Mr. H. MacKenzie (Ottawa South): Will the airport remain or does it disappear?

An hon. member: Except there will be another 125 acres of water.

Hon. Mr. Randall: One hundred and twenty-five acres of parkland!

The proposal is that—it is public knowledge—when the corporation is formed, the province will have 55 per cent of the shares, the harbour commission will have 22.5 per cent, the city of Toronto will have 22.5 per cent. That is based on the amount of land each one is putting into the corporation. Is that clear?

There is sufficient value in there, on the land, and all I can suggest to you is that it is costing, at the present time, to fill in out there anywhere from \$20,000 to \$60,000 an acre, depending on where you are doing it. The land could sell out there, if you wanted to sell it, for \$250,000 an acre minimum.

If anybody doubts those figures, I suggest you find out what Mr. Campeau was prepared to pay for the terminal warehouse, which is \$600,000 an acre; and that site is nowhere near as valuable as the site that we are talking about and the site that we are building off the CNE right now.

There will be almost 1,100 acres of land out there. On the value of that land a debenture can be issued and the corporation of the province would be prepared to guarantee the debenture. It would require a small sum of money, what we call a small

sum of money, to start. There would be no more than 2,000 units a year built out there when building starts, so you are not going to throw a mass of 50,000 or 60,000 out there. It will take 13 to 15 years, if they keep on schedule to complete it.

Mr. Singer: Two into 70 goes 35 years.

Hon. Mr. Randall: Pardon?

Mr. Singer: You have 2,000 people a year—

Hon. Mr. Randall: No, housing units!

As the units are going out there, that is 2,000 units housing about 5,000 people—if this is the way the plan is accepted and works out—by the end of the fifth year there would be a sufficient cash flow back from the sale of acreage and commercial properties and rents and the sale of the houses for the corporation to carry itself.

This is worked out by Woods Gordon, not just by us; do not blame it on me. We have had it thoroughly checked by Woods Gordon, and checked by our own treasury department. On the basis of our facts and figures it would appear to us that it can be self-liquidating in 13 to 15 years.

It may be 20 years, depending on if there are any strikes, lockouts, walkouts, storms or what have you. But on the basis of the planning we see for a Harbour City development, whether it be this one or the one the people decide on in the city, if they accept it or reject it, that is the way it will be financed.

Mr. Singer: All right.

Now that is only part of the answer, because once you get land you say it has the value you attribute to it—I am not going to quibble with those figures—but it is going to take a minute or two to create that land and it is going to take substantial expenditure to create that land. While that land is being created which is going to take—what, a few years—who is going to do that financing. Because this new corporation at that point is selling nothing more than an idea. It strikes me that it might be difficult to float debentures on land that does not as yet exist. Is the province financing the initial expenses?

Hon. Mr. Randall: I would not think so. If the province of Ontario is offering a debenture, I think you could even sell water lots in Florida.

Mr. Singer: I see. Are you telling us then that it is government policy that if these plans are approved, the province will immediately guarantee debentures to get the thing started? Is that what you are telling me?

Hon. Mr. Randall: That is exactly what I said two weeks ago.

Mr. Singer: I see.

Hon. Mr. Randall: Just remember, they will be guaranteed by the province. That is why we are forming the corporation.

Mr. Singer: And where do the interest payments come in the meantime?

Hon. Mr. Randall: Pardon?

Mr. Singer: Until the money starts to flow back in, who does the intermediate financing? Is the province going to lend money to the corporation or is the city of Toronto or Metropolitan Toronto going to pay for it?

Hon. Mr. Randall: No, I would think that the corporation will borrow its funds either from the province of Ontario or through the debenture issue and as the debenture issue is issued. I do not know how many dollars of debenture will have to be issued. They have to have money in the kitty in order to keep the programme going. Whatever is required, it will be set up and financed as an officially-operated project. I would think by the end of five years we would be in a cash-flow position to take care of any of our obligations financially.

Mr. Singer: At the peak time of issue of debentures, to what extent are provincially guaranteed debentures going to be outstanding?

Hon. Mr. Randall: At the moment, I would not think there would be any more than \$32 million.

Mr. Singer: Has the Treasury Board indicated that this is within the reasonable financing arrangements for the province of Ontario to assume obligations for another \$32 million?

Hon. Mr. Randall: They have had a look at it, yes.

Mr. Singer: And what about the city of Toronto? What costs are they going to be put to?

Hon. Mr. Randall: I do not think the city of Toronto will be put to any cost, because most of your sewers and services are already at water's edge now. I guess you were not here this afternoon; the project itself will be financing all its own services in Harbour City—all its own transportation, financing the entire project.

We will not be calling for funds from any other source except the corporation.

They are just like a developer. The corporation will develop that project and will tie into the services already built there. When it comes to transportation, certainly there will be transportation facilities required if they buy the plan. There will be transportation facilities required to bring the people down to Harbour City development.

Mr. J. Renwick: Will the corporation have title to the land?

Hon. Mr. Randall: Pardon?

Mr. J. Renwick: Will the corporation retain title to Harbour City?

Hon. Mr. Randall: We think that is the way it should be. The buildings can be sold and we may need to change The Condominium Act. As you know today, in The Condominium Act you have an agreed per cent of the land, too.

Mr. Chairman: Gentlemen, it is now six of the clock. We recess now until eight o'clock.

It being 6.00 of the clock, p.m., the committee took recess.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY**Department of Trade and Development**

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION**Third Session of the Twenty-Eighth Legislature**

Thursday, May 14, 1970**Evening Session**

Speaker: Honourable Fred McIntosh Cass, Q.C.**Clerk: Roderick Lewis, Q.C.**

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

THURSDAY, MAY 14, 1970

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

The Committee resumed at 8 o'clock, p.m.

On vote 2201:

Mr. Chairman: I would like to point out that there is problem picking up the interjections. As a matter of fact, you have to speak right into the microphone to have them recorded. If you find in *Hansard* that your interjections are not there, just remember it is pretty difficult because most of the microphones are not on.

Mr. S. Apps (Kingston and the Islands): Mr. Chairman, can you allow us to sit down?

Mr. Chairman: Well they claim that you cannot sit down; they can hear a lot better if you stand up. That is the order that I got and that I am supposed to pass out to you.

Now we were discussing planning, promotion, and advertising. The first speaker I have is the member for Victoria-Haliburton.

Mr. R. G. Hodgson (Victoria-Haliburton): Mr. Chairman, quite a few of my remarks were dealt with by the member for Downsview (Mr. Singer). However I would like to have a little clarification.

The minister mentioned the Metro area. The conservation authority was going to do part of this waterfront or have the responsibility for part of the waterfront. Could he tell me what part of the waterfront?

Hon. S. J. Randall (Minister of Trade and Development): If you have seen the Metro waterfront study, it embraces the entire waterfront from the other side, almost to Whitby. That is 50 miles on the Ontario waterfront here, and there was a section from Coxwell Avenue east and the Humber west that was turned over by Metro to the conservation authorities to look after. It is one of those—

Mr. R. G. Hodgson: It has not been approved yet?

Hon. Mr. Randall: It has not been approved yet, but this is what they hope to work out, that the conservation authorities will look after it.

Mr. R. G. Hodgson: Have your people worked with the conservation authorities on this part yet?

Hon. Mr. Randall: On what part?

Mr. R. G. Hodgson: On this part of their study? Is it their responsibility?

Hon. Mr. Randall: No. We had some things, but not too much to do. We had some things, if I remember. But in the first Metro study we made a contribution, but above—

Mr. R. G. Hodgson: The province did have representatives on the Metropolitan Toronto waterfront plan which started off in 1963 and went on for five years. This plan went from Whitby or Frenchman's Bay to Port Credit. Are the Toronto Harbour Commissioners responsible for the rest of it?

Hon. Mr. Randall: No, the harbour commissioners looked after the inner bay and the city the rest.

Mr. R. G. Hodgson: I am trying to get the jurisdictions here.

Hon. Mr. Randall: Let me put it this way. It is now being divided up into three areas. The conservation area that we talked about is controlled by Metro; there is the harbour itself which belongs to the city of Toronto and is controlled by the harbour commissioners. The areas outside the bay itself are controlled by the harbour commissioners and that is where the city of Toronto and ourselves and the harbour commissioners are looking at it for three years, as a joint operation.

Mr. R. G. Hodgson: The other question I would like to ask is if on a similar project the province's participation is available to other areas in the province if they come up with ideas and proposals that look worthwhile.

Hon. Mr. Randall: I think with the overall plan, the Metro waterfront plan, we could come up with some ideas if they could take the shoreline, that 50 miles of the plan, and come up with some ideas that the various municipalities bordering Lake Ontario wanted to institute. Chairman Campbell wanted to get some verification that Metro can see, so that we could get started on it. There is something in the east end which we have been talking about here that they want to get on.

Mr. V. M. Singer (Downsview): And share with the province?

Hon. Mr. Randall: Could be!

Mr. R. G. Hodgson: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Apps for Kingston and the Islands.

Mr. Apps: Mr. Chairman, I would like to comment further on providing help to other areas on the waterfront. I am inclined to think that if the department were to come to these areas and try to tell people what they should do with their waterfronts, they might run into a little bit of a problem about people from Toronto coming down and telling us what to do. I think that perhaps the best idea would be to leave it up to the municipalities concerned in that they would be interested in developing their waterfront. They should check with you people and determine what help, if any, they could receive; whether there would be special grants made available, whether you would give them help in planning; just what could be done.

If this could be done, I am sure that a lot of the areas with good waterfront properties would be talking to you about it. I do not know whether you are prepared to say right now just what you can do in that connection, but if you can I would appreciate your saying something about it.

Hon. Mr. Randall: I would think that they can make these approaches through their own regional development councils in those areas.

One of the first things I think they should look at is who controls the waterfront. If it is federally-controlled they would have to get clarification federally before they could do anything. If it comes under the province, they could get in touch with us or lands and forests. We could give them the information with reference to who controls the water that they are talking about.

Mr. Apps: That may be. Mr. Chairman, it is a pretty confused picture. In many areas the federal government has jurisdiction, other areas the city might own, and other areas might have private owners.

Hon. Mr. Randall: That is what we found out here and that is why we took so long to sort it out.

Mr. Apps: It is a pretty confused picture. I think probably it needs somebody with a fair amount of knowledge to go over it all and determine just who owns what and the best way to get around it. Maybe your people should do something along that line.

Hon. Mr. Randall: I think our recommendation is they should go to the regional council to see what could be done concerning development.

Mr. Apps: Well, I would not say the regional council would be the answer; it could be around here, but in some other area it would not. I doubt whether the regional council would be the body that could do it.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick (Riverdale): Mr. Chairman, I have just three brief questions, one of which I asked by way of an interjection just before the dinner recess, and I am sure it is on the record. I asked whether Harbour City would in fact hold title in perpetuity to the lands; and the minister's response, as I understand it, was that this was what was envisaged at the present time, bearing in mind the tentative nature of the plan as it is presently set.

The second matter is that there was a reference in the minutes of the city council quite recently about a letter, to which Mr. Clarkson, the deputy, was a signatory, and Mr. Wronski, and I believe two or three other people—

An hon. member: Mr. Taylor.

Mr. J. Renwick: —and Mr. Taylor from Municipal Affairs, the community planning branch. It was addressed to the Prime Minister (Mr. Roberts) about the waterfront plan, as the result of some study or some consideration that had been given by that small group. Is that document a public document, and could it be made available to us, or is it still in the nature of a private communication to the head of the government of the province of Ontario?

Hon. Mr. Randall: I would say it is a private communication at the moment. There

are some things out of that document that were utilized, as well as the statement the harbour commissioners made about the corporations.

Mr. J. Renwick: Would you give consideration as to whether or not we could have it made available to us during the course of these estimates?

And the third question I have relates to the questions that the member for Downsview was raising before dinner about the financing plans. When these plans for Harbour City are unveiled, will you have any financial projection over a period of time; showing, for example, the length of the non-revenue-earning period and how long it is going to have to be financed as a deficit financing operation?

Hon. Mr. Randall: I would think that would be part and parcel of our release, because everybody—including ourselves—wants to know what the dollar figure is. You must keep in mind that they are figures put together on a premise that there will not be any major changes in what we suggested. There may be changes, deletions or amendments; then, of course, the entire picture would have to be changed. But I think in order for people to get some—

Mr. H. Peacock (Windsor West): That sort of lifts the lid off the pot a little bit.

Hon. Mr. Randall: No, it is not restrictive as to what the project would cost, but what the investment would be out there. I do not think there will be too much difficulty in releasing the figures if we have them.

Mr. J. Renwick: Well, within the framework of the plans you projected, that is an estimate you can make. I think that if you are talking about a 15- to 20-year period for completion, there should be a financial projection, because it would appear obvious that there would be a substantial period of deficit financing involved in the development of the project.

Mr. Chairman: The member for Windsor West.

Mr. Peacock: Mr. Chairman, earlier, before we adjourned at 6 o'clock, and just now through the questions of the member for Riverdale, it would appear that once again we are facing a presentation next week with a rather narrow set of choices. I am wondering, given the information that arose this afternoon, whether the development of Harbour City can possibly include a mix of

housing that would include housing for low-income families, housing for senior citizens and housing of a type other than high-rise that is amenable to the needs of persons earning low incomes or middle incomes who must, of necessity, rent their housing or buy it under one of the HOME programmes that the Ontario Housing Corporation has now established.

The reason I ask is that because of the figure that was mentioned of peak debenturing of \$42 million over the life of the development, I wonder whether or not the interest rates on that amount of borrowing to finance the development services and construction of the project can possibly encompass the financing of low-income rental housing. It would appear that unless the department or the government or the Ontario Housing Corporation is going to be subsidizing the interest rates in some fashion on that debenturing, the cost of the project should include some element of mixed housing for not only those in the upper or middle income brackets, but those in the lower income bracket who must, of course, rent their housing or buy it on a very long-term basis as they do under the HOME plan. That leads me to ask, Mr. Chairman, if the minister has included in the presentation, the flexibility that they will permit the government to subsidize borrowing, the costs of borrowing, so that this kind of housing will be included in the development project.

Hon. Mr. Randall: Let me say that it is to be an integrated community. We had planned senior citizens and some public housing in there, as we are doing in all communities. The very fact that we control the price of land through the corporation, that it is not a development project such as the main land, leaves us to believe it is possible to get some low-income housing out there; not only through the Ontario Housing Corporation for those who must be subsidized the regular way, but also for families who want to purchase on the HOME plan. This is, basically, the idea of controlling that land over there at the prices we can control it at.

It is our opinion that we must have an integrated society over there. We cannot have all low-income people or all high-priced people, or we will not have an integrated community. But, yes, I think that the question you have brought up will be answered in our presentation. We will be giving you assurance that we will be having that kind of housing over there for those kinds of people.

Insofar as subsidizing interest rates, we say it is a self-liquidating project. We feel it can

be self-liquidating with a mix of low-income housing and senior citizens in there. There was talk of putting in, we will say, the middle income people who will be buying the homes. We hope that we will be able to control the land ourselves and keep it, as your associate has said there, in the corporation; because we feel that the land should be controlled, at least the residential land.

In your commercial land there may be a different approach. We have not worked that out yet and we have not got down to details. That again, I think, will be one of the things that the city officials will wish to speak to us about.

Mr. Peacock: If you say you may not be able to control the commercial land, in terms of value or resale price, does that mean you will be surrendering title?

Hon. Mr. Randall: No, I said we are trying to consider both ways. We are trying to consider that if we want to get some money out of the commercial properties to make it possible for low-income people to live over there, perhaps we will have to sell off some property for commercial purposes. When I say commercial, I am talking about stores and service operations in the area for people living there. But we have not as yet made any decision as to what should be done there. If the project is accepted by the city and it is decided that it is feasible, then these are the programmes we will have to sit down and work out and see how we will control the land and at what prices.

Mr. Singer: I am interested.

Interjections by hon. members.

Mr. Singer: Could the minister refresh my memory on the share of Ontario in these corporations?

Hon. Mr. Randall: Fifty-five per cent!

Mr. Singer: Fifty-five per cent! Then Ontario, in fact, is the boss.

Hon. Mr. Randall: You say the boss.

Mr. Singer: If you have got 55 per cent, you are the boss.

Hon. Mr. Randall: And we have six directors on the board, yes.

Mr. Singer: So if the scheme goes through, you, or whoever it is, is going to give direction. Right? You are in control?

Hon. Mr. Randall: I think we should be, if we are putting up the money, do you not agree?

Mr. Singer: Ah, are you putting up the money?

Hon. Mr. Randall: Yes, we are.

Mr. Singer: You are guaranteeing? Okay! Fine. Now that is number one.

The second point that concerns me very much—and this relates to the minister's very bad performance insofar as selling land is concerned is that he used provincial money to buy out people in Bramalea at the going market price.

Hon. Mr. Randall: You have not talked to people out there lately have you?

Mr. Singer: Oh I will talk to you about that when we get to the housing vote; but by your performance you shall be known.

When you got out to Bramalea and you bought cheap lots, you gathered in a profit of 50 per cent at the expense of the people of Ontario. Is it the same plan that when you now start renting or selling to people in Ontario you are going to make a profit on them? Are you going to keep the market price stabilized?

Hon. Mr. Randall: As I said a few minutes ago, we have not as yet arrived at a decision as to how the lands will be disposed of, but I am inclined to believe that the land will be leased.

Mr. Singer: I see. Is it going to be leased to all people in Ontario, no matter what their income is, on the basis of recovery over the whole scheme? Or are you planning to give some benefit to those people who fall below an average income earning level?

Hon. Mr. Randall: The plan that we envisage will be worked on the same basis as the HOME plan which now is a non-subsidy plan. However, where the low-income people come in, those that the hon. member for Windsor West is talking about, the Ontario Housing Corporation will become a landlord and pay the same taxes, the same costs, to look after senior citizens and the public housing tenants as it does on the mainland.

Mr. Singer: There is no reason to anticipate that any people who are in need of support from government are going to expect it out of Harbour City?

Hon. Mr. Randall: I would not think so. I think it was—

Mr. Singer: No. If they are able to compete in the market, then they will be able to get accommodation there; is that not so? Is that about right?

Hon. Mr. Randall: Can you tell me anywhere around here where the people, the working people, can find a piece of land that they can afford to carry at their present income without moving into \$34,000 to \$45,000 homes, except under the HOME programme?

Mr. Singer: I am trying to get at your philosophy, Mr. Minister, as to whether or not you envisage this great scheme where Ontario is pledging its credit, putting up the money as being of benefit to those people who are not able to afford housing in the present market. I gather your answer is no.

Hon. Mr. Randall: I think my answer is yes. We will be taking care of the same kind of people we are taking care of today, senior citizens, public housing and the HOME plan.

Mr. Singer: Are you going to give them any benefit?

Hon. Mr. Randall: Well I do not know. We will see what benefits we have available.

Mr. Singer: Oh, I see, I see. The immediate answer is that you do not envisage any benefits to people who cannot afford housing.

Hon. Mr. Randall: You would not suggest we give it away before we get started.

Mr. Singer: I am not suggesting you give anything away, I am trying to get at what your philosophy is in Harbour City.

Hon. Mr. Randall: My philosophy is—

Mr. Singer: It is substantially, as I gather it, that you are going to go into the market to compete on a market basis. You are not going to give anyone any benefits other than the—

Hon. Mr. Randall: There will be a lot of benefit, if they can move in on their present income and get themselves a home or a condominium project similar to the HOME project.

Mr. Singer: If they could move in on their present income.

Hon. Mr. Randall: That is right.

Mr. Singer: The people who cannot move in on their present income are going to get no benefit out of Harbour City.

Hon. Mr. Randall: I do not know: it is a hypothetical question.

Mr. Singer: It is not hypothetical.

Hon. Mr. Randall: Yes, it is.

Mr. Singer: It is very important.

Hon. Mr. Randall: No, it is not.

Mr. Singer: Certainly it is. If you look at the waiting list for public housing, it is not hypothetical at all.

Hon. Mr. Randall: You are not making sense; you are not making a particle of sense.

Mr. Singer: Okay. We will let other people decide that.

Mr. Peacock: He has assured us that the carrying charges will be so great that they will preclude public housing.

Mr. Singer: The second thing that I want to question the minister about reasonably closely is his glib tossing off of the thought that sewers and water are going to be available. I happen to know by reason of my municipal experience that sewer and water facilities in downtown Toronto are badly overstrained and that the city of Toronto has substantial trouble in coping with the new high-rise office buildings that are presently being located. The city of Toronto is forced to put its taxpayers to substantial additional expense by reason of expanding sewer mains and replacing water mains. The whole system is old; it is not big enough. It was never designed to carry the capacity that it presently does. I wonder, in light of that knowledge, how the minister can glibly say that sewers and water are no problem, because it does not fit in with my practical experience. Could the minister expand on that one?

Hon. Mr. Randall: Mr. Ramsay, perhaps you could tell Mr. Singer whom you spoke to on the services.

Mr. D. W. Ramsay (Special Projects): Our consultants in our plan in the concept, felt the corporation was going to assume the cost of sewers or the services within the project.

Mr. Singer: This is a new provincial—

Mr. Ramsay: Yes, in the Harbour City area. We did also include in our cost estimate the cost of pumping stations, and so on, to put

into the city system. But if it would call for an extension of the system at the Ashbridge's Bay area that is not included, because the nature of the expansion that would take place at the Harbour City project each year is approximately 2,000 units. At 3.1 people per unit it is in the nature of something like 6,000 people. This type of growth is going on throughout the city. As these units themselves, without the city having to assume any of the direct cost of the services, will be paying taxes the same as any other units, we felt that their share of the taxes would pay for the expansion of the facilities.

Mr. Singer: What I am trying to get at particularly, Mr. Ramsay, is that having investigated it, you must be fully aware of the fact that the services that run down Bay Street and Yonge Street, Bathurst Street and Dufferin Street, are old, tired and vastly overtaxed. You cannot really, in fairness, talk about 2,000 a year and an extra share in municipal taxes, unless you are prepared to talk about the end event of another 70,000 people on the water and sewage supply of the city of Toronto.

If you have followed the city of Toronto financing at all, you will recognize that one of the very serious problems they face is the tearing up of their streets and the replacing of their sewer mains, which are presently both sanitary and flood. They dump raw sewage in the city of Toronto. It has been an embarrassment as far back as the time of Mayor Phillips, who denies it ever took place.

Just go down and stand at the foot of Bay Street and watch when there is a storm. The raw sewage pours into the lake out of the city of Toronto. With 70,000 more people on that system, there just cannot be any question any more that you are going to have to rip up Yonge Street, Bay Street, Bathurst Street, Queen Street, Adelaide, Richmond, all those streets, in supplying the services.

What kind of an arrangement does this corporation anticipate it is going to make to supply municipal services for these 70,000 people?

Mr. Ramsay: Well, first of all, do you want me to answer this, Mr. Minister?

Hon. Mr. Randall: Yes, go ahead.

Mr. Ramsay: Your description of the sewers and of the services, the Strachan Avenue sewers and others, is correct. These are going to have to be corrected. They are being corrected now with the crosstown intersections.

No matter what development takes place, anywhere within the city, these services are still going to have to be fixed up.

Mr. Singer: Only up to a point. If you have examined the population figures for the city of Toronto, you must accept the fact the population of the city of Toronto has been shrinking since 1953. Every year it goes down a bit. Any redesignation has never taken into contemplation a sudden influx of 70,000 new people.

The point I make is this: if this corporation is going to introduce 70,000 new people—and that is a lot of new people—into the city of Toronto, we are going to call on their services, water and sewage particularly, and sanitary and storms. Somebody is going to have to subsidize the city of Toronto for the payment of those additional new services.

Does this corporation believe it is going to do that or are you going to throw that back on the shoulders of the city of Toronto taxpayers?

Mr. Ramsay: In the cost planning that we did, in essence the cost of the sewers, expansion, corrections, and everything else, would go back on the total tax base of the city of Toronto, including the addition from the Harbour City, as presumably would the addition at Harbour Square, the cancelled development which has been improved and which has 20,000 people in only a five-year period. The other 20,000 people are in the Metro centre, and 5,000 people are at Bretton Place. If this project had assumed the cost of the expansion of the services for the total city, it would be uneconomical.

Mr. Singer: In essence, then, I do not think it is unfair to say that if this goes ahead, that the city of Toronto municipal taxpayer is going to be stuck with a substantial burden of the cost of expansion of the municipal services?

Hon. Mr. Randall: May I make one point? You are overlooking, my friend, all the things that Metro centre is going to put in there that will give revenue to the city of Toronto. You are overlooking the revenue from Harbour City from 2,000 units a year. There are not going to be 70,000 people out there overnight. We have said that a thousand times, but let us get the record straight. It will take 15 years at least, perhaps 20 years, to get 60,000 people out there. But I am just suggesting to you that you do not rush out and start tearing up Yonge Street or any other street tomorrow, because somebody accepts

an illustrated concept of what could happen out there. I am quite sure there are knowledgeable people in the city of Toronto who, when they look at the concept, will sit down and say, "Okay, what is this going to cost the city of Toronto?" This is why the concept is being released, so the planners can look at it.

Mr. Singer: Okay!

Now the minister's remarks being accepted, I suggest to you that the immediate effect has to be that you are throwing the burden of the expansion of these important municipal services immediately on the shoulders of the city of Toronto municipal taxpayer.

The second question that bothers me very much is this question of the province guaranteeing debentures. This is an interesting idea. Where do you start and where do you stop? Are you prepared to guarantee debentures, not only to this new corporation, are you prepared to guarantee them for the Metropolitan Toronto and Region Conservation Authority, or the Junction Creek Conservation Authority or all the conservation authorities, all of whom have the same high objectives in mind? When do you decide it is important for the province to step in and guarantee an agency's debentures, which is supervised by the province and not directly a provincial enterprise, and when do you draw the line? When you say "yes" and when you say "no".

Bearing in mind that the minister and I represent an urban area right here, then fine, we are all for developing Metropolitan Toronto, North York, Don Mills, the city of Toronto and so on. But there are an awful lot of members here who are concerned—some expressed their views before 6 o'clock—about whether you are going to do the same thing for them. Where does the provincial policy lie when you come to say the province is going to guarantee, for this new kind of development, somebody else's debentures? Has the minister given any thought to that?

Hon. Mr. Randall: Yes, we have given a lot of thought to it. Our thought with reference to the financing, and after talking to the Treasurer (Mr. MacNaughton), is that we will deal with this one here as a private project. It is something entirely new, it has never happened before. We are quite prepared to have it come back and be analysed. It has to come back to cabinet. If the city says, "Well, we would like to go ahead"; after they are finished with it, it has to come back to the provincial cabinet. At that time, the provincial cabinet will have to look at it on the basis of what some of our friends said here

tonight about whether it can be done in other areas. That is a government policy; I do not set government policy.

Mr. Singer: I think you are speaking now as a cabinet minister.

Hon. Mr. Randall: Well—

Mr. Singer: On behalf of government policy. For instance, let us move along from Harbour City—

Hon. Mr. Randall: I do not make—

Mr. Singer: There is a great stretch of Ontario lakeshore just further west. The Metropolitan Toronto and Region Conservation Authority is very interested in developing that. Are you prepared to say that the province of Ontario is able to guarantee the debentures? Let us talk about Sudbury—

Hon. Mr. Randall: Let me ask you, what has the province done for the conservation authority up to now?

Mr. Singer: Pardon?

Hon. Mr. Randall: What has the province done financially for the conservation authority up to now?

Mr. Singer: It has made grants, but it has not written a blank cheque for a guarantee of debentures. This is what I am trying to ask you about and this is what I am trying to get a positive answer on.

I was starting to tell you about Sudbury. I am interested on behalf of some clients of mine in the Junction Creek area.

Hon. Mr. Randall: You are not going to move up there, are you?

Mr. Singer: No, I am not going to move there, but it is a very interesting development. This plan of the Junction Creek Conservation Authority is to build dams and stop rivers and reroute them, and so on. Their big problem is that they do not have enough money. Are you prepared to say to that authority, or to the Metropolitan Toronto one, or the Grey county one, or to the Essex county one, "We are going to guarantee your debentures?"

I think you have to be fair in this, because as reluctant as I am to agree on many occasions with the representations of the member for Kingston and the Islands, he made a valid point. He said if you are going to do it for Toronto, surely Kingston is entitled to a slice of the melon.

I think if you are announcing this kind of policy that you have to be somewhat consistent over the whole province, so that there are certain ground rules and there are certain reasonable plans. The government should be prepared to say, if there is a reasonable plan, we will be prepared to put our signature on your bond. At which point we enter into very serious consideration as to what extent do we, in this Legislature, allow people outside to spend our money for us. This is where you are going to into big trouble.

Hon. Mr. Randall: Do you realize in this particular case the government has a substantial land holding?

Mr. Singer: It has a water holding. It has no landholding.

Hon. Mr. Randall: The land will be created.

Mr. Singer: But all you have is water.

Hon. Mr. Randall: All right. The land will be created and when the land has been filled in and the corporation has that asset, the province will own 55 per cent of it. Surely the province should be able to go out and raise sufficient money on the holding of land in the corporation. Now if they have a similar position in other parts of Ontario, I would assume that your question is an interesting one for capital policy.

Mr. E. Sargent (Grey-Bruce): What do you—

Mr. Singer: No, but surely you have the same legal rights to all our lakes and rivers and so on? If you want to go out and create more land to the west of Harbour City there is nothing to prevent you. If you want to go out and create more land in Kingston there is nothing to prevent you. Or Georgian Bay, or all the hundreds of thousands of miles of shoreline that we have, you can do exactly the same thing.

What I am trying to get out of you, Mr. Minister with great respect—

Mr. Sargent: He does not know the answer.

Mr. Singer: —is some idea of whether there is any positive government policy, or whether you are trying to sell another one of your pet ideas without having studied the ramifications of it.

Mr. Sargent: Mr. Chairman.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Backing up my colleague from Downsview, it is amazing to see him going down the line with us out-of-towners still—

Mr. Apps: We will take the money in Kingston.

Mr. Sargent: Your minister is up the old creek without a paddle right now. He does not know which way he is going to go.

Hon. Mr. Randall: You do not think so?

Mr. Sargent: Yes, I believe that the minister here and the government, both physically and financially, have taken on a package they cannot possibly handle at this time. You are almost on the verge of insolvency. You cannot pay your bills.

Hon. Mr. Randall: Well now, come on!

Mr. Sargent: You know your financial nightmares and your—

An hon. member: You are going to wind up on the Ed Sullivan show!

Mr. Sargent: So I assume then, Mr. Minister, that we are married to the project?

Hon. Mr. Randall: No, let me just correct that.

I said earlier, and I say again, and I want to make it perfectly clear, this is an illustrated concept of what can happen on the waterfront. Nobody is committed.

If the city of Toronto wants to go ahead, the province has said it is prepared to join in and help the city go ahead with the project. But nobody at this moment is committed to it.

Mr. Sargent: Why are you flying this kite then?

Hon. Mr. Randall: Because we think it is a good idea for the province of Ontario and the city of Toronto and Metro and the harbour commission to get a project like this off the ground. Can you stop and visualize how many millions of man hours of work are involved in this for people?

Mr. Sargent: Right, sir.

Hon. Mr. Randall: Can you imagine that? This is a make-work project and it is a make-work project for the 15 or 20 years ahead.

Mr. Singer: There must be some limitation.

Hon. Mr. Randall: It will be one of the greatest things that ever happened to Ontario. My job is to develop it, I am trying to develop it.

Mr. Sargent: We have \$1 million worth of talent in this room. The type of help you have here is kind of practical. And we find that we are not committed to a programme, well what are talking about this for then?

Hon. Mr. Randall: When we started off we told you we were talking about an illustrated concept, but you keep getting yourself all crossed up that it is a *fait accompli*—that they have got to take it tomorrow and run with it.

Mr. Sargent: I think that you should tell the Chairman that he does not know what is going on, because we have been talking about this for two hours now.

Hon. Mr. Randall: That is your fault not mine. I have been trying to tell you.

Mr. Sargent: I think that I expected something very different. I do not know what we are talking about.

Hon. Mr. Randall: You are not listening.

Interjections by hon. members.

Mr. Sargent: Just a moment, my colleague and I talked of this thing during the day, and we wondered where you were going to end up. Here you end up not knowing what you are doing.

Hon. Mr. Randall: Do not ever kid yourself that we do not know what we are doing.

Mr. Sargent: We are going on record as saying this.

Mr. Chairman: I just might tell the members that the interjections are not being picked up. If you will give me your name, I will give you a chance later on to have something to say.

I would just like the speaker to go ahead.

Mr. Sargent: The interesting thing about this whole piece is that here we are 117 representatives representing 7.5 million people, five million of them outside this city and we end up talking all the time about the problems of Toronto and how this government is going to make Toronto better. We are talking about 70,000 people, a handful of people.

The member for Kingston and the Islands, the member for Windsor-Walkerville (Mr. B. Newman) and I, and all of us collectively, say other areas of the province can expect the same treatment as we are talking about

now. I would like to have the minister tell us that this is only in an embryonic state, that they do not know whether they are going ahead—we are not committed to any money yet, sir?

Hon. Mr. Randall: We are not committed for anything.

Mr. Sargent: All right! Now you have enough to do that I can respectfully tell you to try and cover the beat you have; you are trying to do a job in a thousand.

I think you are really over the top alongside what you already have to handle. That is the city of Toronto's project and problem, not yours and mine, as members of this Legislature.

I am going along with the next vote, Mr. Chairman. Does that finalize Harbour City?

Mr. Chairman: No, no; there are a couple of speakers yet.

Mr. Sargent: Then I would like to make a statement for our caucus on its position. Can I do this?

Mr. Chairman: Is this on Harbour City?

Interjections by hon. members.

Mr. Sargent: All 28 of us.

Hon. Mr. Randall: Is this your press release, Eddie?

Mr. Sargent: I never did like you. I take that back.

Hon. Mr. Randall: Why do you not sit down and I will tell a good story.

Mr. Sargent: I take that back.

No, our position at this time, in relation to this present vote—and there is no vote on the special studies which include Harbour City. Harbour City has been sincerely defined as a provincial initiative, in its present phase; it is a non-profit corporation which has been allowed to issue debentures which will be guaranteed by the province. Other areas of the province cannot. As the member for Kingston and the Islands says, injustice is part of our inheritance.

We all expect the same kind of treatment.

In our talks on Wednesday morning, members of the opposition showed us that they were opposed to the proliferation of granting of this privilege of raising money by debentures. This matter came up specifically in connection with the conservation authorities and their specific needs.

Some of the members even feel that the power of regional government to issue debentures is completely unwise in the present condition of the money market. It is thought that Niagara debentures, for example, would be very hard to sell, and they are being placed on the market in the province. For this reason the caucus found itself unable to support the idea of conservation authorities being permitted to raise money by this means.

However, it is true that the Metropolitan Toronto and Region Conservation Authority must have this power in order to carry out responsibilities to be assumed on the new waterfront plan to develop westward toward the Humber and eastward toward Ajax. You cannot have a harbour plan debenture and the outside plan financed otherwise, or they will not proceed with one another.

What will happen now is that the whole issue will be opened up, as some of the members feared it would. The purchase of land on the Niagara Escarpment will claim the same priority as the development of the recreational areas of the waterfront, so we will be forced into a new financing situation at the present time. It will prove most inflationary unless handled with the utmost care.

In summary, in the face of the Gertler report, the review of the pits and quarries of the Niagara Escarpment will have to be tied into the same timetable.

Interjections by hon. members.

Mr. Chairman: I think we should have a little order here. The member for Grey-Bruce has the floor.

Mr. Sargent: The timing will be controlled by the inflationary effects of the government-planned acquisition.

The stage has been set tonight for a major debate on recreational lands and financing. We had expected this to occur in the Lands and Forests, or Energy and Resources Management estimates upstairs. However, this minister, with his plan for Harbour City, has started the ball rolling. He has opened up the whole question of financing for such projects.

This is for the record. We have it from the minister now that we have nothing to talk about. Will Mr. Chairman see this placed on the record in *Hansard* and move on to the next vote?

Mr. Chairman: We have some other speakers here.

Mr. Sargent: There is nothing to talk about.

Mr. Chairman: Oh yes, there—

Interjections by hon. members.

Mr. Chairman: The member for Riverdale has the floor.

Mr. Peacock: There has to be a rule, Mr. Chairman, against reading caucus business in the committee.

Hon. Mr. Randall: I want to give credit where credit is due. I remember the campaign of 1967, when your leader, in great big bold type in the newspapers, promised, if he was elected, he would put up \$250 million to develop the waterfront for the private developers, even if the province had to guarantee it. Now what we are doing is putting up money to guarantee to development down there for the people of Ontario, not for the developers. This is for people.

Mr. Singer: That is not so.

Hon. Mr. Randall: Not for developers!

Interjections by hon. members.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, that is exactly the point I wanted to make. If I have any theme, the theme I want to talk about is the land use, the public land use of the waterfront area, whether it is 55 miles, or whether you talk about the whole of Lake Ontario shoreline, or whether you talk just about Harbour City. I have got two or three specific things I would like the minister to answer. Does he envisage that the Harbour City area owned by the corporation will have, at least on the perimeters of it, the right of public access for the whole of the citizenry of Toronto, or is it going to be an isolated private community?

Hon. Mr. Randall: No.

Mr. J. Renwick: In other words, all around the shoreline to whatever depth is considered necessary there will be public parkland or public beach facilities?

Hon. Mr. Randall: All the way through.

Mr. J. Renwick: All the way around the built-in land?

Hon. Mr. Randall: Yes. And right through the harbour.

Mr. J. Renwick: Right through the harbour! So that there is not going to be any exclusive preserves on the shoreline for anyone?

Hon. Mr. Randall: No.

Mr. J. Renwick: All right. Could we move a little bit to the east and to the part that is agitating people in Riverdale riding and Beaches-Woodbine riding, to the question of the airport? Could the minister tell us, first of all, what he knows about this question of an airport in that part of the waterfront area?

Is it not also true, on the same theory that the minister propounded about the ownership of the land in the Harbour City area, that in fact there can be no airport along that part of the waterfront fronting on Riverdale and Beaches-Woodbine or out in the westerly part of Scarborough without the province of Ontario agreeing to it, because of the landfill which would have to take place, at least on part of it, in order to develop such an airport?

If that is so, can the minister give some assurance that there is not going to be an airport there; or if there is what the plans are to protect the community that borders on it?

Would he also, on another aspect of this, explain the extent of his knowledge of what other lands are owned by the Toronto Harbour Commission? Are they able, at some other point on the waterfront, or are other people on the waterfront, able to embark upon the commercial development that prompted the government to move in on this one in order to preclude the private commercial or other development of areas, not only at Harbour City but across the whole of the water?

Hon. Mr. Randall: Let me say, as I said earlier, that the province, if anyone, owns the water lot outside of the harbour itself that has not been deeded to any particular body. So that covers anything in Lake Ontario, as I said before, at the moment, till the titles are cleared up. I think you will notice that the harbour commission has been filling out a spit away outside the eastern gap for about 15 years.

Mr. J. Renwick: Yes.

Hon. Mr. Randall: This always happens. There are 2,500 acres in there that we are discussing. As you know, all shipping has moved down the bay to the east end, the Cherry Street end, so that they are looking at the container business with reference to a ship coming in, carrying containers and needing facilities. They have been talking to us about that 2,500 acres out there, which of course, is a long way from being 2,500

acres at the moment. I suppose it would be a good five years or so before it gets that far.

As far as the airport is concerned, let me just suggest this; if Harbour City is going to be built now or in the future, the present island airport must go. There is no doubt about that.

Mr. J. Renwick: Agreed.

Hon. Mr. Randall: Somebody said the other day—and I have not counted them—that there are 63 locations in Ontario where it could go. None is on the lakefront at the present time that I know of.

Mr. J. Renwick: None is on the lakefront?

Hon. Mr. Randall: Not that I know of. I do not know where you would put it on the lakefront.

Then there is confusion when people talk about airports. Are they talking about the big jumbo jet and the big international airports; are they talking about what we have at Malton; or are they talking about the small airport we have over at Toronto Island? These are the three situations that I think people are confused on.

I do not know what the federal authorities are going to do about Toronto International Airport or Malton. We are not informed any more than you are at the present time, whether or how far they are involved in discussions, Mr. Chairman. I would not know. But we know that if the harbour commission—

Mr. Sargent: That is one thing that you should know.

Hon. Mr. Randall: If Harbour City is to be built, the Island Airport must be part and parcel of Harbour City. Insofar as the land along the waterfront going over to Bathurst Street is concerned, the warehousing over there, the foundry and brick factory, all that is privately owned. The viaduct, if the city or the province or Metro would buy today, would cost hundreds of millions of dollars. It will take a long while before it happens. With Metro centre going right behind it, it seems obvious that if I had an old foundry down there and the land was to be used for anything but a foundry, I would develop it into some kind of a commercial building or a high-rise that would bring in money. In fact, the city perhaps should encourage owners to do the same thing, take those parcels up and build something down there and pay taxes. Now that property all along there is privately owned, right over to where Campeau has bought that development off

the harbour, down where the Toronto *Star* Building is. Beyond that, I do not know how much property the harbour commission owns, but I would think most of that Cherry Street area over there is harbour commission property; is it not Mr. Ramsay?

Mr. Singer: Are you going east now?

Mr. J. Renwick: Yes, it is going east now.

Hon. Mr. Randall: Yes. Anything over to Cherry Street is probably harbour commission property.

Mr. J. Renwick: I would like the minister at least to express his views. If you have not any considered policy about it, at least express your views. Regardless of what development takes place in the south of the Metro centre area, where there are privately owned businesses, the foundry and other buildings, and also the area owned by the harbour commission through to Cherry Street, and whatever other lands it owns; including all the lands down to the waterfront area, is the minister prepared to say that he would like at least to see the policy of the government such that the public generally will have access, good access, to the waterfront?

It seems to me that any overall development of the waterfront area, even though parts of it may be developed privately, should have such a plan attached to it that will preserve to the rights of the citizenry generally, the right to get access to the whole of the waterfront, either by way of park or beach or whatever may develop. The day may come when the lake is cleaned up, and the day may finally come when in fact the citizens in Toronto, apart from those who own boats, may be able to make very good use of the waterfront the way they do at the Toronto Island now.

Would it be then, Mr. Minister, the proper policy, regardless of what the development is, to ensure the public access and the public use of the whole of the waterfront area? I am not talking about what the depth may be, it might only be a depth in some places of 100 yards, but at least the right people could get access to it in the way it used to be. Those old waterfront lots used to be called the Walks and Gardens, that area around where the old Walker's Hotel is at the present time.

I think there has got to be a public policy about it, and this is part of the same larger question of the beaches, the lake area and all the rest. There has got to be, in our opinion, a public policy that land use requires a gen-

eral access by the public to the whole of that area.

Hon. Mr. Randall: I can only go back. I do not know too much about the details of the city in looking over the Campeau plan. Those plans have been changed half a dozen times in order to give people access, half the Campeau development, to the lakefront there. But if you look around the whole lakefront, where do people have access now? They can walk down a bunch of old pilings.

Mr. J. Renwick: Right. That is right.

Hon. Mr. Randall: We started over at Ontario Place and when we are finished with Ontario Place we will have the lagoons, and parks and swimming beaches there that you would never have off—

Mr. Sargent: And no money—

Hon. Mr. Randall: —that you never would have off the exhibition grounds before; plus the fact you will have quiet waters inside lagoons that will be a lot warmer. People cannot swim in Lake Ontario most of the time anyway to appreciate it. I think that you are going to find that all the waterfront area down there will become unpolluted over a period of time. But the rate of pollution there right now—with ships coming in, we took a look at the drainage off those old buildings there and the Don River, and we found three sewers coming off the exhibition grounds into Ontario Place—when the divers went down and they were shut off.

I do not know how long they have been running in there, but, thank God, nobody swam in there or they probably would have been found a long time ago. When you start to look at these projects on the waterfront and see what you can do with the waterfront, and make it possible for people to get to the water, this is the objective behind our concept of the Harbour City plan. More people will live and enjoy the water and the harbour front if this project goes ahead than ever before in their life. All you have to do is take a picture. I have got waterfront people right over to Cherry Street and some parts of Woodbine and they cannot get near the water.

Mr. J. Renwick: That then is your policy.

Hon. Mr. Randall: I think when you see the concept you will recognize that is what we are trying to do—get more people to the waterfront and let them enjoy the water; let them get access to it.

Mr. J. Renwick: All right, now, on the question of the airport. At least at the present time, is it correct to say that the government is not aware of any plans of any kind to relocate any kind of an airport in the area bounding on the riding of Riverdale and the riding of Beaches-Woodbine—that is to the race track or beyond the race track?

Hon. Mr. Randall: I have heard of no plan to locate an airport.

Mr. Chairman: Mr. Apps, Kingston and the Islands, no?

Okay, Mr. Peacock.

Mr. Peacock: Mr. Chairman, earlier the minister said that the corporation which is to be set up, with the majority of the positions held by the province and the balance shared by the municipalities, would have a common ownership of the lands.

In respect of the financing, can the minister tell us what equity will be created for the corporation by the creation of the lands, the 1,100 acres he spoke of as being developed out of the waterfront—the underwater lots to be filled? Would this be a substantial part of the assets of the corporation with which it is endowed initially? If so, can he say approximately what value it would have and what relationship it will have to the capital financing of the corporation?

Hon. Mr. Randall: I would think, as I said earlier, land in that general area would be worth a minimum of \$250,000 an acre.

Mr. Peacock: Would you capitalize it at that value on the books of the corporation?

Hon. Mr. Randall: I do not know at what price we would capitalize it, but that right now is the estimated value of the land for the purpose of capitalization, if we are going to capitalize. But what the financial figures will finally reveal remains to be seen. If the project is accepted, then we have to sit down and work out the details.

Mr. Peacock: Will that valuation, Mr. Chairman, provide any part of the capital structure of the corporation, or bear any relationship to the debenturing that the province will guarantee?

Hon. Mr. Randall: I think, on the basis of that capital structure—and the guarantee of the province—that the bonds will not be too hard to peddle, as you will appreciate.

I do not think there is any difficulty in raising the kind of money we will require for

that asset. Because we will not have to raise the money for the entire project. We will only have to raise what we need over the first five years and I estimate that it will be carrying itself, as I said earlier.

Mr. Peacock: One other question. The programme is going to take 15 or 20 years for completion, each year seeing 2,000 units of residential accommodation completed.

What provision, if I can ask, is going to be made for the quiet enjoyment of each group of 2,000 units of residential accommodation, while all this other development is going on around it?

Mr. Sargent: Oh, come on now.

Hon. Mr. Randall: Let me say that there will be some inconvenience. It is done in sections. I do not think that the inconvenience will be too bad.

I do not know. All I can do is guess that we can do it as quietly—

Mr. Sargent: The only—

Mr. Chairman: Mr. Haggerty, Welland South.

Mr. R. Haggerty (Welland South): Thank you, Mr. Chairman. The minister left an impression here tonight that Harbour City is a sound investment for the province of Ontario. The question I would like to propose to him is that if it is this sound, why has not free enterprise entered in upon it?

I know that you are going to say—that the lands belong to the province. But the land can be leased and I think particularly of an area that I represent in the town of Fort Erie.

There is a development being carried on there now along the lakeshore; I think the minister is aware of it, Buttonwood. Now on this development the developers are going to spend some \$50 million. It is going to provide residential housing, hotels, a marina and a shopping plaza.

If this can be done in this area by smaller developers who spent \$50 million, surely this can be developed here in Harbour City by private enterprise?

Mr. S. Lewis (Scarborough West): Is *Hansard* getting this? You are coming through clear eh? well I would just like to see—

Interjections by hon. members.

Mr. Lewis: Stan Randall is a socialist.

Mr. Chairman: If the member wants to stand up—

Mr. Haggerty: If the minister wants to—and I think we would have to agree with him on the Liberal side here that we welcome the idea that the province is getting into what they call a provincial loan fund, provided this can apply across throughout the province. There are other municipalities which need assistance too for development of their municipalities.

I would just like to leave these few comments with the Minister, but I am concerned why it cannot be done by private enterprise.

Hon. Mr. Randall: In the first place, it is the province that is creating the land. By holding title to the land, the province can control the cost of the dwellings going there, so that people can afford to live there.

All you have to do is look again—and I must keep using this same illustration—at the Campeau site on which—

Mr. Sargent: Bramalea.

Hon. Mr. Randall: As Mr. Campeau himself said, it will not be a building for the middle income families.

As far as the mainland is concerned, very definitely that is going to be an area for higher-income people. And, if the harbour commission had gone ahead on the original plans, they would have done exactly the same thing on the areas we are talking about—if we had signed the land bill—that they have done on the mainland, so that the people themselves would have never gotten a chance to get a home on the islands—in the new Harbour City over there.

And so, by the province controlling the cost of that land and the use of that land, more people can use it and use it at a price that they can afford. They can live within their means.

This is the reason the province has got into discussing the possibility of what can be done with the waterfront.

Mr. Haggerty: Do you mean to tell me that the average person in the province of Ontario is going to be able to go down there and rent a housing unit, or a dwelling?

Hon. Mr. Randall: I do not know where you were this afternoon while we were talking about the homes over there.

Mr. Haggerty: Regardless of whether I was here or not this afternoon—

Hon. Mr. Randall: I am not being sarcastic or facetious; I outlined this afternoon that the whole project is to try and get as many people over there as we possibly can under the HOME guidelines. And the HOME guidelines today are for land and building costing not more than \$24,000.

But, inasmuch as the island over there, we believe, should be controlled by the province—should be controlled by the corporation—we would hold title to the land and, perhaps just let them buy the building. They rent the land so that they would be buying say, a \$15,000 or \$16,000 structure and the land rent would be the difference. In other words if maybe the land cost would be \$7,000 or \$9,000—but the land would never be sold. They would lease it; pay a lease rent on it. You see?

Mr. Chairman: Mr. Smith, Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): I would like to commend the minister of the department for this proposal. I think it is an exciting possibility for new dimensions in urban growth and development. I think one of the things that has been mentioned here tonight or this afternoon is the fact that it will certainly do a great deal to help to redevelop the downtown part of Toronto.

Likewise, those of us who come from large metropolitan areas face similar situations in our own communities. The need for redevelopment, reshaping of the cores of our cities, of course, has been one of the tragedies of the great cities of America. They have been allowed to decay at the core with the flight to the suburbs of many people.

Mr. Chairman, I would like to ask the minister, through you, what provision or planning has taken place into the possibility of the incorporation of the air rights of the railway lines, east of the Harbour City properties?

Hon. Mr. Randall: You mean on Harbour City?

Mr. J. R. Smith: No, the adjoining lands. Have any discussions taken place with the railways concerned to have a joint form of development so that it is continuous?

Hon. Mr. Randall: Perhaps Mr. Clarkson can speak on that. He is a member of the committee that works with Metro centre and the discussions in reference to air rights will be covered by him.

Mr. S. W. Clarkson (Deputy Minister): A couple of years ago, the railways did unveil

their plans for the redevelopment of the area now covered by the railways in the downtown area. Since that time, regular meetings have been held with the city planners and the Metro planners and all concerned. While no physical beginning has been made, a lot of the basic planning has been done and it is proposed that the western part of the railway tracks—that area north of Harbour City—will be a similar type of development with housing and an urban development for additional people. The number of people there is not as large as proposed in Harbour City, but there will be several thousand people eventually living in the area now covered by the railway tracks.

Hon. Mr. Randall: Does that answer your question?

Mr. Chairman: The member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I want to raise two or three matters, and without detracting from the value of the project that the minister is discussing here tonight, I want to say that it falls into the category that one would expect from this minister and the grandiose, showcase type of development.

I would like to know first, though, if there is any record of the province using its collateral to raise money through debentures for projects within the municipality?

Hon. Mr. Randall: I cannot answer that question offhand.

Mr. Deans: I cannot answer it either, but my understanding from discussions I had during the time Hamilton was facing big difficulties in financing the civic square was that the province did not engage in using its financial strength in the market.

Hon. Mr. Randall: The difference is the province owns 55 per cent of this corporation.

Mr. Deans: The difference, is, I suppose, that in the Hamilton project they were in for about 25 per cent because of the sharing in agreement with the municipal and federal government. It seemed to me then, and it still does, that the province could well have used its borrowing powers to secure a lower interest rate or perhaps to easily secure the moneys to develop other municipalities in addition to what we are doing here.

There are two or three questions that come from what I have listened to being said. What if the province uses its borrowing power and

reduces the amount of available money in the marketplace by that much? What becomes of developments of this type, if for example, it has not taken place on the development proposed for Saltfleet Mountain? One thing I noticed in the programme for that development was that there was no clear indication of how it was going to be financed. I am curious to know whether the province has undertaken the idea that maybe it will finance that project in a similar way to the Harbour City development which we are talking about. Or whether we can expect in terms of Saltfleet, for example, that the province would be prepared, since it owns all the land, which would be a sizeable investment, to undertake the debenturing in order to raise the moneys to develop that project?

Hon. Mr. Randall: You are talking about Saltfleet now?

Mr. Deans: I am talking about the fact in relation to the Harbour City development. Saltfleet when it is open, for example, is going to provide an entire community; it is going to be a city of its own, not unlike the city you are going to develop on the waterfront, except that it is not on the waterfront. It is going to be complete in a community way; it is going to be almost self-sustaining except there will be little industry—none at all. I am wondering at this point exactly—

Mr. Sargent: Are you wondering or wandering?

Mr. Deans: It is pertinent because we are talking about a new concept in developing the province of Ontario. The member for Grey-Bruce, if I may through the chair, always seems to have something to say, much of which is irrelevant. I am trying to find at this point whether or not this is likely to be the way this other project will be developed, whether you are prepared to undertake the same kind of financial arrangements to insure the complete development of a project which will provide for 70,000 people, as opposed to the one here which will provide for considerably fewer. If this is not going to be done, how do you intend to finance these other projects which are just as important, if, not more important, to the municipalities that are involved than this particular project here?

Hon. Mr. Randall: May I answer your question? In the first place the two projects you mention, Malvern and Saltfleet, are already self-liquidating projects and are on their way. The services have been provided to the site or will be provided to the site; the

engineering is done at Malvern, particularly. At Saltfleet we have an agreement with the city of Hamilton and any services that go into the site are going in on land already purchased by the province and its partner, Central Mortgage and Housing Corporation. The land has been purchased and that is our asset.

Mr. Deans: What is the asset here?

Hon. Mr. Randall: Wait a minute until I finish this one. The houses that go into Saltfleet will be built under the HOME programme and be financed by the people going in by taking out mortgages. As I say, it is a self-liquidating project all the way through. The shopping centre areas and the commercial areas will be sold out to the private developers who, in turn, will do their own financing and houses will be under the HOME programme, if mortgage money is not available as you know we have our housing development corporation that will handle the mortgages for those two projects if, by the time they are built, mortgage money is not available from private sources.

The difference between those two projects and Harbour City is that we are 55 per cent owner of the corporation, as I said earlier. The province, in order to get this new community organized and built—the first one we think in North America—is quite prepared to use its credit to back the debentures required to get this project off the ground.

As I said, perhaps before you came in tonight, we do not anticipate that any more than \$32 million will be required. After that, the cash flow will finance the rest of the project because you will only be building 2,000 units a year. As those 2,000 units are built, leased or sold or whatever is going to be done with them, they will help finance the rest of the project.

Mr. Deans: The self-liquidating feature does apply to each—self-liquidating, perhaps, in a different way.

Hon. Mr. Randall: I will just say, as I said in the House the other day, after this project has finished—say 13 or 15 years if we went on schedule—if there was enough left over in the corporation for a half-a-dozen beers, that is the way the corporation would wind up. It is a non-profit corporation.

Mr. Deans: I am always happy to hear the government getting into non-profit developments for the sake of providing the accommodations for people. But the problem that I see happening on this project—the project on the

waterfront—is that the province of Ontario is, by virtue of its collateral, going to be able to raise the money, or to be able to guarantee the project's success. That is what is going to happen. You are going to guarantee that this project will be developed in the way in which it was planned. In the other instance, you have to rely—

Hon. Mr. Randall: The way it is eventually planned, when the planners get through—

Mr. Deans: I realized this chain. But if in the other instances, though you are going to have to rely on the commercial developer funding his own money, and assuming for once that the money situation got no worse but got no better, we would find ourselves in a very difficult position to meet any kind of deadlines or trying to develop either of the other two projects that I talked about in the way in which they were planned.

You are putting those municipalities at a disadvantage when you are prepared to undertake the guarantee for the city of Toronto, or the development of this project, while saying to the others that under the HOME programme we will help with the housing, but any commercial development, which makes the project a total package, has to be done by the private sector. What I want to get at is that if we find ourselves in five years, when it comes time to develop the remainder of the other two projects—I am particularly interested in the one at Saltfleet because it happens to be in my riding—but if we find ourselves in the position that the money situation has not changed, is the province of Ontario prepared to undertake the same kind of financial arrangements with those people that it is prepared to undertake on the waterfront in Toronto?

Hon. Mr. Randall: I am not prepared to speak for the province five years ahead because I do not know what is going to happen five years ahead. But just let me tell you about Saltfleet. The commercial developers are already prepared to go ahead with Saltfleet as fast as they can get their buildings up and the money is available.

Let me also tell you about Hamilton. The reason your mayor of Hamilton and his financial advisers went to Germany is because, through ODC, I was prepared to make key money available for them to make the deal.

Mr. Deans: But it fell through.

Hon. Mr. Randall: It was not my fault. I said the ODC was prepared to assist them in getting their project in Hamilton off the

ground. That is the big commercial development, government buildings and so on. I do not know what will happen five years from now.

The only alternative to giving you a no answer right now is to say, "Do we stand still and not do anything?" That is the point. If you ask me what we are going to do five years from now, I cannot tell you. All I can say, in the light of today's circumstances, in the light of the project we have envisioned here for the city of Toronto—and anywhere else if anybody brings one in, as the member for Kingston and the Islands was talking about today—we are prepared to look at it and see if it is a self-liquidating project and needs immediate financing. We can take a look at it, the same as we have this one. But what is going to happen five years from now, my friend, I could not guarantee. I hope at that time money is available.

Mr. R. H. Knight (Port Arthur): Mr. Chairman, this new Harbour City is going to be somewhat off the beaten track for the people I represent 900 miles north of here. Listening to this discussion and recalling an address given by Bert Stollard, the ombudsman for the North York Ratepayers Association, in this building last fall, got me thinking that perhaps a little bit of backwoods logic might help me to make a contribution to this debate.

With a reported 16 million gallons of raw sewage a day pouring into that harbour down there from the bypasses at the Humber River sewage treatment plant alone, really, how aesthetic and how attractive is this project going to be? The message I get is that harbour is getting more polluted by the day and it would seem to me that if you are really going to have equity in your investment down there, you had better clean up that water or see to it that the polluting that is going on is stopped in some way.

The indication I get is that the sewage treatment plants for this megalopolis are just not doing the job. The Humber River sewage treatment plant, I am told, was built for a capacity of 450,000 people in 1951 and is now serving close to 700,000, or an area which has close to 700,000. And this is the figure they give—16 million gallons of raw sewage a day going through the bypasses and, therefore, not being treated and going directly into the harbour. I would think the smell on that island after a while is going to be pretty rough and may not be quite as attractive, regardless of what buildings you put up there.

Two things: What are you going to do about the polluting that is going on continually in that harbour? And what kind of sewage treatment disposal system are you going to have for the new development that is going to go on down here?

Mr. Chairman: This matter was discussed before you came in, Mr. Knight.

Mr. Knight: I would still like to—

Hon. Mr. Randall: Let me make a fast comment on it. I think the pressures that are on to eliminate pollution today in all our waters are bearing fruit and bearing fruit very quickly. I spend quite a bit of time in Toronto Bay. The harbour commissioners tell me there is not a bay anywhere that is much cleaner than Toronto harbour because of the amount of water that pours in there from the western gap when there is a west wind, and the amount that pours in from the east when there is an east wind.

They tell me that bay can rise four feet at either end, whichever way the wind is blowing, and there is a constant carrying-in and carrying-out. If the water is polluted before it comes in, I can understand you are going to have some problems. When you see the concept of Harbour City, you will see the criss-cross of channels there which will allow water to get in and out so there is a constant movement of water. There will be no cesspool as far as we are concerned.

I would hope that what would happen would be similar to what the *Star* reported the other day about the woman in West Virginia who said she can feed her ducks out of the kitchen window and her husband goes swimming before supper and he rows across to the shopping centre. This is what we envision in our concept.

How long will it take to get the water clean? I want to go back and say that the very fact that we are building Ontario Place there means we will have cleaned up a cesspool situation that they did not know existed.

Mind you, ships are coming through that western gap, too. The ships will have to come through the eastern gap eventually, but I would think if the traffic is kept down to that end of the harbour—it is not going to stop it from flowing back this way if you get an east wind—I would think with all the controls they now have on ships throwing over their garbage and their bilge and dumping their oil and other things, dumping it into the

bay down there, those things will be corrected over a period of time. I would be inclined to believe that this would be one of the better places to live and I would not worry about stagnant water. In fact, I will be the first customer when they build it down there.

Mr. Chairman: Does the member for Grey-Bruce want to speak on this section? I thought you made your final report on it.

Mr. Sargent: What are you talking about?

Mr. Chairman: We are still on planning, promotion and advertising. We are talking about Harbour City.

Mr. Sargent: Let us get down to our business then.

Mr. Chairman: Okay, we will take the next—

Interjections by hon. members.

Mr. Sargent: How much money have you planned for promotion?

Hon. Mr. Randall: We have no money planned for promotion. We have \$175,000 for models and research and studies, and we have another \$175,000 in this year to carry on the same projects.

Mr. Sargent: What do you have left? You have \$175,000.

Hon. Mr. Randall: It is in the figure for promotion and advertising, special studies—\$1.25 million; it is in there.

Mr. Sargent: \$175,000 for models. You say you have no commitments here, financially?

Hon. Mr. Randall: No, we have no commitments.

Mr. Sargent: Where do you get the right to spend \$175,000 on something that is not a *fait accompli*? Are you shooting craps with destiny?

Hon. Mr. Randall: My friend, the province has a right to allot funds to any department—

Mr. Sargent: That is my money. I live up north and I do not agree you should spend my money down in Toronto.

Hon. Mr. Randall: What was spent up in Owen Sound?

Mr. Sargent: You are not doing it.

Hon. Mr. Randall: Well, tell us about it.

Mr. Sargent: The point is you take it upon yourself to spend \$175,000 on a plan that is not even committed yet.

Hon. Mr. Randall: It is not supposed to be committed, it is a look-see. How are you going to have a plan unless you spend some money?

Mr. Sargent: You are spending \$175,000, sir, of taxpayers' money on a programme you are not even sure you are going to do yet.

Hon. Mr. Randall: That is right. But how do you know whether you are going to do it until you have a plan? What do you want to do, take it out of a cigarette box and say, "Here, I've got an idea?"

We do not know anything until—

Mr. Sargent: You do not know, but you are spending this money anyway?

Hon. Mr. Randall: We have had discussions with the city, with Metro and the harbour commissioners and they are getting very excited. If they want to commit themselves, the plan is there.

Mr. Sargent: Mr. Minister, if you were a private member and you have to run for re-election again and the people in your riding, who cannot pay their taxes, know that you are spending \$175,000 on something you are not even sure of happening at all, for which there is no firm commitment in any way at all, I doubt if you would be re-elected. It is a shameful admission that you have made; that you are spending \$175,000 of money on a programme you are not sure will even happen.

Mr. Lewis: I will have to agree with that. You will not be re-elected.

Hon. Mr. Randall: After tonight, I should be so lucky.

Mr. Chairman: The member for Victoria-Haliburton.

Mr. R. G. Hodgson: Mr. Chairman, I would like to ask the minister if at any time he has conducted special studies with regard to small businesses in the field of governmental forms and information that is requested? And whether there is the possibility that these requests might be simplified or conducted in a way that would lessen the effort for a small business and be distributed across the full range of the year rather than having them all arrive at the end of February at tax time and things of this nature?

Mr. Chairman: I think you could raise that under 2202. I think it would come under that vote.

Hon. Mr. Randall: It is under trade and industry.

Mr. Peacock: Just before we recessed, the minister was going to give me the figures for advertising expenditure.

Hon. Mr. Randall: The advertising expenditures for next year, special studies, films and advertising all incorporated, is \$1.25 million.

Mr. Peacock: I asked earlier this afternoon if the breakdown for advertising was available?

Hon. Mr. Randall: Yes, I can give it to you. For international advertising, there is \$350,000 and for domestic advertising \$450,000.

Mr. Peacock: That is all "Buy Canadian"?

Hon. Mr. Randall: Pardon?

Mr. Peacock: Is that all part of the "Buy Canadian" programme?

Hon. Mr. Randall: That is part of the domestic advertising to shop Canadian, sure, to meet the import competition, to increase the domestic purchasing. We have an arrangement with Treasury Board, of course, on the sums of money. We can swing that money either into domestic or international, depending on which way the economy is going. Right now, of course, there are a great many imports coming in, if you recognize we are trying to make people conscious of the fact they should first of all have a look at Canadian before they buy foreign.

Mr. Chairman: Mr. Pitman.

Mr. W. G. Pitman (Peterborough): I began the questions about three hours ago. I have looked at some of the other special studies. You mentioned the CNE, Harbour City, and that would be around that stall about 4 o'clock this afternoon.

Mr. Chairman: Would you like to answer that?

Hon. Mr. Randall: That is all.

Mr. Pitman: Those are the only two special studies that have been going on, other than that?

Hon. Mr. Randall: Yes.

Mr. Chairman: Mr. MacKenzie.

Mr. H. MacKenzie (Ottawa Centre): Mr. Chairman, first of all, could the minister tell us what the road is for, the fill road extending out about half a mile just east of the eastern gap?

Hon. Mr. Randall: Can I tell you what it is for?

Mr. MacKenzie: Yes, do you know what that—

Hon. Mr. Randall: Well, it was started on the basis that the Niagara current comes across Lake Ontario, as I understand it from the harbour commissioners—I am not an authority on it—and it washes against the banks over at Scarborough Bluffs and, as you know, the banks are deteriorating; they have actually been washed away. It brings that sand back along the shore of Lake Ontario and when there is an east wind and it fills in the eastern gap. That is why the major freighters have to take that eight-mile trip around the island and come in through the western gap and they have to keep dredging the eastern gap to get that sand out of there. So they ran that spit out, and already the sand is piling up against that and lessening the fill-in on eastern gap.

If you want to go back and look at some of the Admiralty maps that we have been looking at, to see who has ownership of land, you will find that the islands out there, which are now known as the islands, were just sand bars; that sand came off Scarborough Bluffs and was washed up the lake and formed in front of Toronto, and that is how the islands were formed. I can show you maps that go back to the early 17th century, and that is how the sand bars started. They gradually get bigger and bigger and, in fact, somebody said the other day, if you wait till the year 2000 the chances are all this fill-in we are talking about will be there.

Mr. Chairman: Does that section carry or have you got another question?

Mr. MacKenzie: I have got two more quick questions, Mr. Chairman. Could the minister tell us the total amount spent to date on Harbour City and, secondly, could he tell us, according to the planning here, what is the total estimated cost and how many dollars he expects will be spent before Harbour City really takes off.

Hon. Mr. Randall: We had \$175,000 in our budget last year, and we have put in

another \$175,000 this year; that money is there to help prepare a concept, to make the studies necessary to present the Harbour City illustration to the people involved, such as Metro, the city of Toronto and the harbour commissioners. That is the province's contribution so far, as to what could be done to develop the waterfront; there is no money yet to put up buildings or to buy land or to dredge, or to do anything else at the present time.

Mr. MacKenzie: Then you have not really looked at the total outlay for the main part before you—

Hon. Mr. Randall: Yes we have. We have looked at it, and I have quoted some figures this afternoon. I said the project would take possibly 13 to 15 years, maybe 20 years, and the estimated price, if the concept that we have available today is approved, would be around \$500 million total.

Mr. MacKenzie: I heard that figure, Mr. chairman, but my concern is that before the city buys it and before anybody else buys it, before you move on, before the project is a fact, you have \$350,000 now; I suppose you have another \$1 million to be spent in addition?

Hon. Mr. Randall: Well, I do not know. I think we have got adequate money this year to complete the studies and make the presentations we want to make, and after next week it will depend on whether the other two partners, the harbour commissioners and the city of Toronto, are interested in going ahead. And, of course, they will not be interested until they have had their authorities, their planners, the public and everybody else, take a look at it.

Mr. Chairman: Section carried?

Mr. Haggerty: One more question. Is this an election promise?

Hon. Mr. Randall: Not a bit.

Mr. Chairman: Well, that section is carried. We will go on to—

Mr. Sargent: Will you spend like sums of money around the balance of the province for similar studies?

Mr. MacKenzie: You have got a good proposition by bringing in Eddie to go to work on your behalf.

Mr. Chairman: That section is carried.

Information services. Any questions on information services? Carried.

We have the women's advisory committee.

Mr. Sargent: Mr. Chairman, on this women's advisory committee, I would like to ask the minister how long this is going to continue with a budget of \$72,000? I watched a television show last year when you and the Prime Minister walked into a big posh deal at the Royal York, and your audience was by and large people dressed in mink, the affluent society—

Hon. Mr. Randall: Well, I do not buy—

Mr. Sargent: Well. I saw the television show. You were the star of it.

Hon. Mr. Randall: You are exaggerating.

Mr. Sargent: You and old John Parmenter Robarts were the stars of the show. Very handsome you were when you walked in there; very sure of yourselves that the people of Ontario all loved you both, and the show went on. I looked around for someone in the Liberal Party who could be part of the show, and it is an insult to me that you have the unmitigated gall to take taxpayers' money—\$72,000 of it—to make yourselves, you and the Prime Minister, stars of the show to sell the Conservative Party. Now, do not you tell me, sir, that this is not a selling job, because—

An hon. member: It is a PR job.

Mr. Sargent: I have never been invited to one of those deals.

Mr. B. Newman (Windsor-Walkerville): It is not a laughing matter. If the Prime Minister can be invited, why cannot he be invited?

Mr. Sargent: The whole piece was that they took the mikes down, and there was the minister selling the bill of goods. What a job he was doing for the—what is it called?—the women's advisory committee. Advising what? How to be elected as a Tory again or what?

Mr. Haggerty: That is about it.

Mr. Sargent: But anyway, it scoops it off the economy front.

Mr. B. Newman: It did the Royal York.

Mr. Sargent: It helped the Royal York and—

An hon. member: And the Skyline.

Mr. Sargent: Yes, and these other places. But the whole piece was wrong, this whole

television coverage. They took the mikes from the audience, and one lady was probably bright enough to see the phoniness of the whole thing; she let the cat out of the bag. What a phony bit of operation it was. What a corny act it was. I, for one, as a taxpayer, object to my money being spent on this kind of operation. I would suggest that, for once in the history of the democratic rights that allow us to analyse these estimates, you have the decency to strike something out of the estimates.

Hon. Mr. Randall: How do you do away with a success story?

Mr. Sargent: What? In all the years I have been here, never once has one cent been pared from the estimates. Well what are we doing here? Are we just going through the motions, that these things will happen, or what goes on?

Mr. Apps: Let us ask what this money is for.

Mr. Sargent: Well, you know yourself—you are a pretty intelligent guy—what a corny approach it is. Anyone in the PR business would say this is the corniest thing he ever saw in his life. You, with all your background, believe this is good. The fact that you get on television once for all these gals—

Hon. Mr. Randall: May I suggest that you look at the front page of the *Star* tonight?

Mr. Sargent: I saw that.

Hon. Mr. Randall: That is how phony it is.

Mr. Sargent: And everybody was laughing at it.

Hon. Mr. Randall: That is how phony it is.

Mr. Sargent: That is how phony it is.

Hon. Mr. Randall: It is selling a half a million dollars of Ontario fashions a year off Spadina.

Interjection by an hon. member.

Hon. Mr. Randall: Anyway, half a million dollars.

Mr. B. Newman: Do you mean they would not sell anyway?

Hon. Mr. Randall: No, certainly they would sell. But they need promotion.

Mr. Sargent: That is how hard up you are for publicity.

Hon. Mr. Randall: Now we are into the furniture.

An hon. member: Where are you buying it from?

Mr. Chairman: Mr. Pitman.

Mr. Pitman: Well, I would like to ask a series of questions. First of all, what is the purpose of this committee? What does it do? What is the philosophy behind it?

Hon. Mr. Randall: May I just read these for you so that you get them down in black and white? The objectives of the committee are achieved through a series of conferences for women across the province. Contrary to some, the conferences are kept on a highly educational, informative level; all will deal in the subjects of particular concern to women. Out of the hundreds of questions arising at conferences, programmes for the future are planned. The conferences would serve no good purpose if programmes were planned so the women's needs for information on changing conditions could not be met.

The committee has co-operated with and has excellent co-operation from the women's bureau. The Department of Labour; food council and extension branch, The Department of Agriculture and Food; consumers branch, The Department of Financial and Commercial Affairs; The Department of Health; and The Department of Education. The office has channelled many requests for information to other government departments for attention, and often these give rise to the discussion periods and conferences. This, we feel, is a certain indication that women want and need information about government and its programmes, and there is a feeling that questions directed to a women's committee will receive attention.

We would like to have more conferences in smaller areas, but neither staff nor budget are available. Regular meetings of women's advisory committees have been held in Toronto during the past year, and attendance has been good; however, we lost three members through illness, and so on.

I would like to suggest to the hon. members that, when we had our meeting of 1,500 women in the Royal York Hotel this year, we had a number of speakers, not just yours truly, and these people come from many parts of the United States—sometimes from across the other side of the water—to speak to our women. And when we have a question period in the afternoon, we get thousands

of questions about drug addiction, alcoholism, education, taxes—what affects women.

This year we had some of the feminists there, and they started to rise up and tried to give us a little problem, but eventually they stayed all day and learned what the committee meetings were all about. And, I think, in the long run they recognized that \$72,000 is a very small amount of money to get the co-operation of the women in this province. I would remind you that of all the men in this room, 80 per cent of your dollars are spent by your wives, and I think your wives need to know what they are going to spend the money on, what they are going to buy—

Mr. Haggerty: They do not have to be told; they already know.

Hon. Mr. Randall: Oh, yes they do.

Mr. Sargent: Why are Donald MacDonald and Bob Nixon not invited to these meetings?

Mr. Pitman: Why not have some of the opposition to give it some balance?

Mr. Chairman: I would just like to remind the members here, or anyone: If you would like to speak, I would be very glad to put your name on the list, but the interjections cannot be picked up, so I would like Mr. Pitman to go along with this as much as possible.

Mr. Pitman: Mr. Chairman, I would like to obtain an answer from the minister, if I could. I would like to know how you decide on who is to be invited to these conferences?

Hon. Mr. Randall: Well, Mrs. Lymburner, how would you like to—now, here is a lady who runs the programme. I think she can give you it right from the horse's mouth.

Mr. Sargent: Oh well, she had intentions of coming.

Hon. Mr. Randall: Well, you are going to get it, anyway.

Mrs. L. Lymburner (Women's Advisory Committee): Through the members of the women's advisory committee, who are all across the province, we gather together the names of all the women's organizations in any area where we are going to hold a conference. We ask the co-operation of the women's organizations, in that they send us a list of names of the women who belong to their organizations so we can invite them to attend the conference.

Now, there are organizations that have standing resolutions that they will not release the names of their members to anyone and, of course, there is nothing we can do about that. If we get no reply, we can do nothing about them. Fortunately, there are some women who belong to more than one organization and, in the end, they get a chance to come anyway. But there certainly is no discrimination as to who will attend, and for the information of those people who might be interested, there were a great many Liberal women who sat in on the conference last year and again this year.

Mr. Sargent: That is right.

Mrs. Lymburner: They were most co-operative and sent us lists of names and many of them came, I know; but this is the way the list is made up. We use all of the lists that are sent to us, and we use the women's committee to help us gather those lists.

Hon. Mr. Randall: Would you tell them how the women's committee is formed, for the information of Mr. Pitman?

Mrs. Lymburner: Oh, is that what you want to know? The women's committee?

Mr. Pitman: Oh, that does not bother me particularly. I was going to ask whether you were in the habit of sending out invitations to women's associations in the various parts of the province.

Hon. Mr. Randall: May I answer that? I had a letter today from Mr. Fred Young—I should have brought it with me—in which he said, "I am sorry the New Democratic Party does not give the names of its members to organizations like that. That is something that we keep to ourselves." Now, Mr. Young said that; what I am supposed to do with that I do not know.

Mr. Peacock: Why do you not address him and say, "If you give us the list of the women in your organization, we would be delighted to see that they get invitations"?

Hon. Mr. Randall: Well, you know there is an old rule about giving out lists of names, Mr. Chairman, and that is that you can always write to the secretary and ask the secretary to pass on the information.

An hon. member: Ask Mrs. Lymburner, she should know.

Mrs. Lymburner: Many requests were made of the secretary to give us the list of names and we never received any.

Mr. Pitman: One of the things that is bothering many members is the problem of providing a spectrum of women across the province; by that, I mean a spectrum of people in various classes. The big problem is that the poor do not belong to women's organizations—or very few of them do. But I think it is obvious—I think any sociologist will tell you—that the poor very rarely are joiners. They just do not get into organizations; they have not any reason to be. They probably would be embarrassed; they may not have the educational qualifications to feel at ease in a meeting; there are a great many reasons. They may not have the clothes they feel they need to wear to go to meetings in hotels.

That is the feeling of many people and this, I think, is perhaps expressed by the fact that some of the women's organizations with which you come in contact are essentially upper-middle-class women's groups and do not express the views of the total spectrum of women across the province. I wonder if you have made any response to that kind of a problem? Have you got a social welfare agency? I suggested to them that they give you names of women. Have you made an effort to reach out to them? We think that by giving equal access we are giving people equal opportunity; we are not given equal opportunity in that way. We only give equal opportunity, in many cases, by going out and contacting people and almost dragging them into an organization like this, if you are going to get the whole spectrum—

Mrs. Lyburner: This is what we have depended on our members to do. We know, full well, as you said, there are many people who do not belong to organizations, either because they do not want to or because they cannot afford to, or they cannot be a part of the organization and play their parts in that organization. And so we depend on our members to gather for us a separate list of names of women in the area who they think might attend if we sent them an invitation directly. If they refuse, there is nothing we can do.

We invite them; we try to get them to come, and very often phone calls are made by the committee members in that region who are working with us. But I can tell you that there were people at the conference at the Royal York in April who came from the Regent Park housing development, for instance. There were people from one or two other groups, tenants' committees—or what is it you call it?—in Toronto; there were people from that organization who came also.

Mr. Pitman: Did you contact the trade union movements first? I would suggest to you that in many cases, the feeling is that these are non-working women who are involved. Partly because, of course, your conferences are going on when many women are at work.

Mrs. Lyburner: Oh, no. We have evening meetings too.

Mr. Pitman: And you do contact non-professional women!

Mrs. Lyburner: And we try to find working women. For those conferences, we try—

An hon. member: Robert Nixon is the one I mean.

Mrs. Lyburner: —we try to reach the people who are working, women who are working during the day or who are mothers with small children and cannot come to a daytime meeting; somebody is home at night who can take care of the children and so on.

Mr. Pitman: I wonder if I could ask a question or two about the philosophy of the organization? I am interested in what the minister read just a few moments ago. You mentioned that women, of course, are a part of the buying public. I was wondering if this is not covered by the women's advisory committees both in The Department of Labour and The Department of Financial and Commercial Affairs. What is the specific purpose of a women's advisory committee?

This department, for example, you mention deals a great deal with the government and its programme. I cannot help wondering why The Department of Trade and Development is concerned about what we call citizens' activity in terms of government, which includes a total spectrum of government function, I would think. I wonder why this committee is attached to this particular area of government, and particularly to this department?

Mrs. Lyburner: You think we should be attached to some other department?

Mr. Pitman: Yes, I do. I think there are other departments where your work would be more relevant. You asked a question, and I appreciate your help in answering it. For example, I think that most of the problems in any case are related to Financial and Commercial Affairs. I think that it is likely also related to The Department of Education, because in many cases, if you want to change a woman's view of herself, you have got to do it when she is a child. I suggest that your

education system is largely set up to monitor women to the traditional view of women, but in our 20th century this feeling is very quickly disappearing. And that is the reason why you have this confrontation.

If you really want to get to the reason why women are deprived of their full rights as citizens and human beings, go and talk to the women who are teachers. They start right in grades 2 and 3 to convince girls that they are something different from boys. They take different subjects; they act differently; they are quieter; they are nicer and all of those things that make them, you might say, unable to fulfil themselves as human beings when they become fully grown women.

Mrs. Lymburner: Sir, there are many women today who feel that they have to go back to school for retraining, that they want to take advantage of any kind of lectures or any kind of information programme that they can get to, because they feel that they want to update the ideas that perhaps they gathered when they were at school or at secondary school or at the university level or wherever they were. Even the people who got PhD's 15 years ago tell you they are not worth anything today unless you have stayed with it in the meantime, so that the whole programme is a programme of updating information, keeping women informed.

You have suggested that perhaps this could be attached to some other department. We have used repeatedly the women out of the labour bureau of The Department of Labour to come to our conferences as speakers. We have used people from The Department of Education. We have used them from The Department of Agriculture and Food. We have used people from Financial and Commercial Affairs, because these are the things that women say they would like to know about. We can gather together, under one umbrella, all of these people and take them to a conference and let them talk about the things that women are asking about.

Mr. Pitman: I will not be long, Mr. Chairman. I just want to make one or two suggestions.

First, that you seek a little bit harder to get the full spectrum of social classes into your organization, because I do not think it is becoming to the province of Ontario that they feel that this organization is essentially related to the upper-middle-class point of view and people.

Second, I suggest that we might consider taking a more radical, more far-out attitude

toward the role of women. Rather than explaining to them what their position is now, you might very well take part in the efforts that are being made by women to change that position.

Mrs. Lymburner: This is precisely what we did at the April conference. It was a conference at which the theme was "Scene 70". We were projecting for the next decade the part that women will play, not only in Ontario but in Canada and indeed around the world, if they want to be citizens of the world.

That was the whole theme of that April conference, which was a provincial conference and brought out some very fine people; such as Dr. Helen Able who is well known all over the world for her contribution to economics; she is on the staff at Waterloo; Dr. Margaret Nix, who came from New York; she is a Canadian, she is dean of a college in New York now; the editor of *Chatelaine* magazine—all of these are forward-thinking women who really—

Mr. Pitman: But they are all "establishment" too!

Mrs. Lymburner: We have a conference in practically every one of the 10 regions every year.

Hon. Mr. Randall: I just want to make one thing very clear. A CBC girl reporter said to me in Ottawa; "These people all look like millionaires in here; how many are on relief?" I said: "Would you expect us to stand up and ask how many people here are on welfare and have them show themselves? Is that the kind of conference you would like to see us run?"

So she did not give us a very good review; I think you can understand that, you would have said the same thing I said.

Now when people go to a conference like this at the Royal York, they put on their best Sunday bib and tucker, and I do not think you can tell whether these people are from poor families or welfare families. They all have one good outfit at least, and they come there as well dressed as anybody else. I think it is a misnomer to say that these people are all middle-class families. I think there are people there, from what I have seen—and I have seen some out from my own riding and I know their circumstances—these people are the cross-section of people you will find in any community; and despite—

Interjection by an hon. member.

Hon. Mr. Randall: I do not know whether it helps his political image or not, I do not care. It is not a political movement.

Mr. Pitman: May I suggest to you that possibly the place of holding the meeting might be the very reason why you are not getting these groups? If anybody sent me an invitation to the Royal York Hotel, if anybody sent a welfare person an invitation to the Royal York Hotel, I am sure he would get a negative reaction. Welfare people do not feel at home at the Royal York, believe it or not. I think that you might very well, by finding a different location, make those people feel much more at home and get that kind of input which we desperately need.

Hon. Mr. Randall: Let me tell you about the people we have had at these meetings. You cannot get a big enough hall in Toronto unless you go to the Royal York Hotel. It is the biggest hall you can get 1,350 people in; in Simcoe, 400; Trenton, 300; in Niagara Falls, 600; in Hamilton, 400; in Sarnia, 450; in Ottawa, 1,000; in Sudbury, 500. If we send out invitations and some people say, "Well, I could not get in," they go home mad. If you do not get a hall big enough, I can assure you they really get annoyed, and if we get a hall so small that they feel at home, perhaps we are not going to have many—

Mr. Sargent: Give me one NDP or one Liberal member—

Hon. Mr. Randall: We do not ask what their politics are.

Mr. Sargent: I know, but the fact is that they were not invited; we were not invited, you were invited.

Hon. Mr. Randall: We invited your people.

Mr. Sargent: I was not there. He was not there. How did you get there? How did Robarts get there and Tom Wells and all the good-looking guys get there?

Mr. Chairman: Let us have a little order.

Mr. Sargent: What a corny outfit.

Mr. Pitman: Mr. Chairman, you have got to protect me. May I suggest to the minister that possibly what he might consider is that, again, sociologists will tell you that people on welfare and from lower economic groups do not feel at home in large gatherings of that sort? Would he consider the possibility of smaller groupings, indeed groupings where

there will be far more input by the people who are in the audience? The day of the huge meeting with somebody talking at it is going. You do not even have to read Marshall McLuhan to get that idea across.

If you want real input and interchange in a meeting you make it small. You divide people up into smaller groups. You do not need the Royal York Hotel. I just suggest to you that if you really want to do this, you are going to have to make some very real changes in the near future.

Hon. Mr. Randall: That is a good suggestion. If I could get more money from my budget, we could do that.

Mr. Chairman: The member for Welland South.

Mr. Haggerty: I was interested in the comments of the member for Peterborough about the purpose of the teachers who teach young children of three to four, and the difference between the different sexes, the boys and the girls. Some place along the line I think the teachers have failed. It is hard to tell the boys from the girls today.

I must say to the minister I think he has one of the most capable and charming women in the province of Ontario to do the PR job for the Tory government. Often I have heard Mrs. Lymburner from Port Colborne—and I am from Port Colborne too—on the CHOW radio station out of Welland. I have often listened to her comments and discussions on the radio, and one could almost sum it up as Tory propaganda. The reason I mention it is this: some of the questions that are asked through the radio are on consumer affairs and different other problems that people are concerned with and it always the same old answer that you hear in the House. It is the federal government that is responsible. So, what is the purpose of the women's advisory committee?

Hon. Mr. Randall: You mean the programme is not responsible?

Mr. Haggerty: No, I am not saying that. This is different. She is casting it aside and saying that the Tories are the little innocent bystanders.

Mr. Chairman: Well, I do not think that this has got anything to do with this particular vote.

Mr. Haggerty: I am asking, what is the purpose of the women's advisory committee?

Is this the type of advice that the people are subjected to, throughout the province?

Mr. Sargent: Put it down to promotion.

Mr. Chairman: The member for Windsor-Walkerville.

Mr. B. Newman: Thank you, Mr. Chairman. May I ask the minister if he really sincerely thinks that this advisory committee is doing a good job?

Hon. Mr. Randall: Yes, I do.

Mr. B. Newman: Would he like it to do twice as good a job?

Hon. Mr. Randall: I will take advice from anybody.

Mr. B. Newman: Why do you not have a youth advisory committee? Why do you not have a senior citizens' advisory committee? Why do you stick only to one type of an advisory committee? If this is so important, and doing such a good job and is not a public relations programme, why would you not consider other segments of society in there?

I think we should be just as concerned about the youth—and maybe even more concerned about our youth today. Look at the young married group, as the member for Owen Sound, or for Grey-Bruce mentioned.

So, Mr. Chairman, if the minister thinks that this a worthwhile group I would suggest to him that he expand it to include the several other groups that I did mention.

Hon. Mr. Randall: I made a note of it.

Mr. Chairman: This section agreed to.

Ontario House. Are you speaking on Ontario House, Mr. Deans?

Mr. Deans: Yes, I am, I want to say a few words about Ontario House. I raised in the House about three or four weeks ago the situation that has arisen in regard to the operation of Ontario House in London, England. At this particular time in Ontario we are facing perhaps the highest unemployment rate that we have had in 10 years. Ontario House is being used by manufacturers to advertise and to promote—

Mr. Chairman: Can we get into that under immigration?

Mr. Deans: Yes, you could, except I want to tell you that I do not think Ontario House is the place to do it, that is all. You might want to talk about it under immigration if

you wish, and I will do that if you want. If you would rather talk about it under 2203—

Mr. Chairman: If it is to do with immigration I think you can stick to the immigration—

Mr. Deans: It is to do with immigration, but it is to do with the function and the philosophy of the Ontario government toward the people of Ontario who are unemployed and the use of a facility that is paid for by the people of Ontario, including the unemployed, to bring people into the country to take jobs which Ontario people could well be trained to do.

Mr. Chairman: Now wait just a minute. Discuss this under the next vote, 2203.

Mr. Deans: Well, yes. All right. I am not satisfied that is where it should be discussed though, Mr. Chairman.

We are talking about the use of Ontario House; let us then find out what exactly Ontario House does. Do not tell me it encourages immigration or we will be back on the same subject. Tell me what it is. Tell me the function of Ontario House. I have been there in London and in Glasgow, and I had a look in London, but I would like to know what in heaven's name they really do.

Hon. Mr. Randall: As you know, we have had Ontario House over there for—well, we celebrated our 100th birthday last year. Ontario House is the official office, the same as the province of Quebec has one over there, and the province of Alberta and many other provinces all have their official homes over there. Ontario House has been ours for the last 100 years.

It is through Ontario House that we have access to our second largest customer, Great Britain. The importance of Ontario House today, I do not think can be stressed too much, because within two years, if the information I get is correct, we will find the United Kingdom going into the EEC market and we may have a great deal more difficulty in doing business in the UK because preferential tariffs, or tariffs of all kinds, will be changed. Right now we are shipping over there without any tariffs. It would appear to me that we are going to be facing some very difficult problems over there if the UK goes into the EEC market, and very definitely, they are going to go.

Ontario House does a number of things. We have a department of agriculture in there. We have the liquor commissioner in

there, who does the buying of imported liquors. Immigration is in there. As you mentioned, this is where people come to get information on the province of Ontario. If they come in, they can find where they want to come to. If they want to visit Canada, they come in and this is where the service is rendered to them. I will deal with immigration later, so I will not get off the track.

We have always had a bureau there to assist in our business. Our number two customer in the world is the United Kingdom. Thirty-five per cent goes to assistance in trade and industrial development; in other words, 35 per cent of the time of our staff over there is to develop trade and so on for the province of Ontario. Twenty-five per cent is for assistance in selective immigration. Forty per cent is for servicing other departments of government.

For instance, any time representatives of any other department of government go over there—whether it be Agriculture, or Labour, or Mines, or Lands and Forests—the people at Ontario House set up all their appointments, and make all their arrangements with the key officials of other governments and other departments. It performs a very useful function for the province of Ontario and is noted as perhaps one of the best provincial houses anywhere in the world. In fact, more people come there for information than go to Canada House. My federal friends give me an argument there but I think I am right in making that statement.

Mr. Chairman: The member for Wentworth.

Mr. Deans: I am curious to know about trade promotion. What kind of trade promotion does Ontario House undertake? First of all, how many people are in there? How many people are working there?

Hon. Mr. Randall: There is a total of 19—wait a minute.

Mr. Clarkson: We have a total of 39 people in Ontario House. That is taking in the trade and industry people, immigration and all the supporting staff.

Mr. Deans: Are all of the salaries paid out of the \$99,800?

Mr. Clarkson: No, no. This is just the support staff for Ontario House. The trade and industry people will be shown in the trade and industry vote because they report back to the executive director of trade and industry.

The same with immigration; these people will be included under the immigration vote. That is the staff operation.

Mr. Deans: Under the Ontario House maintenance budget of \$174,500—I am always intrigued by the word “maintenance” because I can never figure out just exactly what it means—how much of this \$174,500 is used for banqueting and guesting the people who are supposedly being sold Ontario?

Hon. Mr. Randall: I do not know if we have a breakdown of that; \$10,000 is used for that purpose.

Mr. Deans: Ten thousand dollars? That is the total amount? Can you indicate to me what the breakdown is of the people who are at Ontario House? You were saying there were some—

Hon. Mr. Randall: Thirty-nine.

Mr. Deans: Thirty-nine? Can you tell me how many are allocated to each of the various departments?

Mr. Clarkson: Of the Ontario House staff, there are 19 who are called the headquarters staff; the immigration staff in the UK offices totals 18, and that includes the small office in Glasgow; then trade and industry has seven.

Mr. Deans: So really, in the actual promotion of sale of Ontario's goods, there are only seven people as opposed to some 37 people who are there to encourage the movement of people from the United Kingdom to Canada and particularly to Ontario.

Hon. Mr. Randall: Yes, they are the people on that side of the water engaged in immigration, and we have some of our people here, of course.

Mr. Deans: So the emphasis, then, is very much on the sale of Ontario—not the goods of Ontario, but Ontario itself rather than the sale of Ontario's production?

Hon. Mr. Randall: No, that is not right at all.

Mr. Deans: Right, then, these seven people—

Hon. Mr. Randall: When we send a sales mission over, 10 or 12 salesmen all selling different products, our trade representative in London, Web Thompson and his staff, makes the appointments for the 12 salesmen to see a number of people in London or thereabouts

while they are there. This is their responsibility—set up appointments, see that these people talk to people who can buy. That is how Canadian goods are sold through Ontario House.

Mr. Deans: So what you are talking about when you talk about trade missions, is you are talking about salesmen from various corporations in the province of Ontario who go there? Ontario House makes the arrangements for them?

Hon. Mr. Randall: They can go on their own and get advice from Ontario House, or they can go on one of our trade missions that leaves from here. It can be an Ontario government trade mission, or they could go as individuals from their own corporation, drop in at Ontario House and say they need a lead on a chemical manufacturer or bicycle manufacturer, and the staff would look the companies up and have a lineup of appointments for the visitors.

Mr. Deans: You want me to talk about the other in the next vote?

Mr. Chairman: Are you all finished?

Mr. Deans: Yes, okay.

Mr. Chairman: The member for Kingston and the Islands.

Mr. Apps: Mr. Chairman, there are two questions I want to ask. Firstly, the number of employees you had over there, and secondly, are all these Canadians? How do you choose them?

Hon. Mr. Randall: We have a rotating staff.

Mr. Clarkson: No, they are not all Canadians. Generally the stenographers are local staff, but most of the immigration people and the senior staff are rotated from here. They are on four-year postings. The same applies to the trade and industry people and the Agent General himself, but all the support staff are local people hired over there.

Mr. Apps: Do you not think it would be a good idea if these were Canadians as well?

Mr. Clarkson: I think it is partly a matter of cost. All the people we send over there have to have additional allowances given to them, rent, cost of living, and so forth. For a secretary or for a clerk, it becomes quite expensive to do it. Up until now, it is simply a matter of the cost of doing it.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Briefly, Mr. Chairman, J. C. Armstrong the Consul General—is that what he is called?—

An hon. member: He is not there now.

Mr. Sargent: The man who takes his place will be drawing \$30,000 salary and \$6,000 foreign allowance—\$3,000 better than the Prime Minister makes. That is pretty good. What is he making now?

Hon. Mr. Randall: I am not sure that that is the same figure we have or not.

Mr. Sargent: I am taking the 1968 figures here. That is a pretty handsome deal.

Hon. Mr. Randall: It is a pretty responsible office. He represents the province of Ontario over there.

Mr. Sargent: I see. Is it in order, Mr. Chairman, to ask the minister in how many countries he has developed places similar to Ontario House?

Hon. Mr. Randall: How many offices do we have? In total 14, although they are not all set up like Ontario House, of course. We have offices in Los Angeles, New York, Chicago, Brussels, Stockholm, Frankfurt and Tokyo. Some of these are just one man, and a girl who looks after the typing and the phones, but I think—

Mr. W. A. Fowler (Trade and Industry Division): Fourteen altogether. Four offices and 10—

Hon. Mr. Randall: Yes. Four major offices and the 10 others are what they call task force offices.

Mr. Sargent: Can I ask your department head a question?

Hon. Mr. Randall: Yes, go ahead.

Mr. Sargent: If you were spending your own money, would you not find you could do a reasonable job with the Canadian agency instead of having your own separate Ontario deal? Why could you not operate out of city hall free and easy?

Hon. Mr. Randall: Just give your name for the record.

Mr. Fowler: My name is Fowler. I am the director of the international branch. We do liaison with the federal government—is this

what you mean, sir? Our one-man task force does work very closely with the federal government in all of our offices.

Mr. Sargent: Why can you not find a task force office—

An hon. member: Why could they not have the same office?

Mr. Fowler: In some places, we have offices where the federal government has none, and where we have offices in the same cities, they have not got space for us.

Hon. Mr. Randall: I might say I have discussed it with Ottawa and they prefer—

Mr. Sargent: I am sorry, I did not mean that. I cannot—

Hon. Mr. Randall: I just want to point out that I discussed it with Mitchell Sharp when he was Minister of Trade and Development, and I also discussed it with Bob Winters. I said we were prepared, if they wanted, to put an Ontario man in federal offices in the area that we wanted to work in. They did not think it was a good idea at the time and we never got back to it. We think we work better on our own anyway, but we have a very close liaison with the federal government, and we never do anything in that area without talking to the federal authorities. In fact, when a trade mission is going there from Ontario, it is with the help of federal authorities that the appointments are all set up.

Mr. Sargent: What is it costing you, this 14-office operation?

Mr. Chairman: It is under trade and industry, the next vote.

The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): I am interested in what you do in the field of agriculture through that office.

Hon. Mr. Randall: The Department of Agriculture and Food have their own representatives; they have two representatives there who work under the direction of The Department of Agriculture and Food here. They sell many hundreds of thousands of dollars worth of food throughout the U.K. for The Department of Agriculture and Food.

Mr. Lawlor: Do they import Canadian cheddar?

Hon. Mr. Randall: Pardon?

Mr. Lawlor: Do they import Canadian cheddar?

Hon. Mr. Randall: I guess they would; they do a pretty good job on cheese if they can get it.

Mr. Lawlor: There are a number of questions I would like to ask, Mr. Chairman, if I may.

Turning here to the public accounts of 1969, I notice that under the maintenance allowance, you have some receipts from the Treasury of the United Kingdom in the amount of \$28,000 and some odd dollars. How does that come to pass?

Hon. Mr. Randall: When I find the item—

Mr. Lawlor: It is on page 22 (8).

Hon. Mr. Randall: Page 22 (8), under where?

Mr. Lawlor: It is under maintenance and miscellaneous accounts. You have spent a certain amount of money and then you get back a number of items from The Department of Education, I think I can guess some of them. You got back \$7.76 from the office of the Prime Minister. You are doing rather well. Then down at the last items are receipts from England, treasury unit, the United Kingdom, totalling \$28,000.

Hon. Mr. Randall: I would think that the money we got from other departments is money we expended on their behalf and were reimbursed from them. Insofar as the treasury is concerned, I do not have the information you do. Do you, Mr. Croswell?

Mr. K. A. Croswell (Administrative Section): Well, sir, it is a rebate.

Mr. Lawlor: A rebate on what?

Mr. Croswell: It is merely a rebate on taxes that they have collected from us. It is because we are a foreign government in their estimation, in their eyes, that is a return.

Mr. Lawlor: You do not enjoy any diplomatic immunity in this regard?

Mr. Croswell: No, but it comes very close to diplomatic immunity as far as the agent general is concerned. He is considered a diplomat—just the agent general, not the rest of the employees.

Mr. Lawlor: Otherwise, you pay taxes and you get it almost totally reimbursed?

Mr. Croswell: Yes.

Mr. Lawlor: Interesting!

Mr. Chairman, about EEC and your remarks a few moments ago as to the possibility of the British entering the economic market, even conceivably the Irish. They will spoil it, that will upset them. I have never met anything like it.

An hon. member: There will be more gun-running across the border.

Mr. Lawlor: This is a horrendous possibility in your mind. I do not doubt that the Labour movement is quite likely to go into the market, although Wilson is talking the other way at the moment. Is it not funny the way these governments switch around? It was not so long ago that the Tories over there were saying it was the last thing in the world and now they are trying to flog them into it. In any event, if this is the possibility, what is your department doing in the face of the possibility of this horrendous loss of trade? Have you experts over there making studies? Are you forfending against the possibilities of having your second-best customer wiped down perhaps to the 10th division? Just what is your department doing in order to meet what might very well be an emergency so far as you are concerned in the very near future?

Hon. Mr. Randall: I can suggest we are doing a number of things. That will be covered more fully in the next vote under trade and industry. But let me answer your question to the best of my knowledge. There have been a number of major discussions as to when the U.K. will go in, and I have had a chance to talk to Mr. John Mason, who speaks for Mr. Wilson on the Board of Trade and who was here a few weeks ago, and also the gentleman who is head of the British export board, Sir Ralph Perrin. He was replaced and his successor was here the other day, and they are both of the opinion that the U.K. will go into the EEC by 1972.

You ask what we are doing. We are doing a number of things. We are looking for a licence agreement over there for our own manufacturers. We have been successful in some area, and in the United States. Our major thrust has been to take our sales missions abroad, not only into the U.K. but into the markets that the U.K. is going to become part of. We have a mission out of here about every three weeks. The reason we have had a successful performance in the export field is, we think, because of the activities of these missions.

I think we have had about 143 to date. We have taken to these markets over 1,100 salesmen, the majority of whom had never been out of Canada before. They have brought back, since 1963, about \$250 million of sample orders and we do not know what they get when they go back on their own. I tell you this every year, but I suggest to you that we in Ontario recognize that if the U.K. does go into the market we are shut off. We had better make sure that we are doing business in some other area. That is the reason why we have these trade missions all over the world.

As you know, I come in for quite a bit of kidding throughout the year about making jobs, but I can assure that I do not make too many jobs unless I get an order. We can prove beyond a shadow of a doubt that we have been getting the business. We have been getting the orders, not only here but in the United States. This is primarily the activity of our department, to make sure Ontario manufacturers take their goods to markets besides the U.K.

But as to where studies are concerned, there have been a number of studies. The CMA has made a number of studies which we have had. I myself looked at a number of things over there when I was in the appliance field; that was back in 1964 or 1962. But I think we know where we are going to be hurt. It is primarily in the manufacturing goods field we are going to get hurt, if the U.K. goes into the EEC market, because most of our manufactured goods today go in there duty-free. When they go to the market, it is obvious that we are not going to go in duty-free. There is going to be some kind of a tariff, so it means our Canadian goods are going to cost more and we are going to have more competition from the other six members of the EEC.

I spoke to Mr. Mason when he was over here. I said "You can provide only 65 per cent of your own food stuff. What are you going to do when you go into the EEC and you have to take some of that high-cost food from France and a few of these other countries that have a very high subsidy on food production?" He said "We will just have to subsidize our farmers. That will be one of the problems we will have in trying to merge our economy with that of the other six. They recognize if they go in, there are going to be problems in the agricultural field."

So these are our activities at the present time. We have had a number of looks at the situation over there, but it has been on and off and nobody knows exactly when it is going to happen. But I think we are prepared as

any nation that I know of to get business in other parts of the world, by recognizing the fact that they may go into the market and we will find that we are no longer on their list as a preferred customer.

Mr. Lawlor: Mr. Chairman, the minister sounds as though he has his nose to the ground and is sniffing. Still, I am not quite satisfied. The licence agreements that you establish, I take it is more or less à la American, the Trojan Horse tactic. I do not mean to be pejorative about it, but nevertheless you get in ahead of their going into the market, having established these licencing agreements. That means that you are under the shelter before their entry into the market and therefore will be acceptable to the European Economic Community as having already been established in the United Kingdom. Is that the purpose?

Hon. Mr. Randall: No, we did two things. If we have a product that we feel should be manufactured by a British manufacturer in order that he can get preferential tariffs on the markets he can ship to, he pays a licence fee or a royalty for the opportunity to manufacture that Canadian product in that country and then it becomes a product he can export the same as any of his other products, as long as he develops them himself.

Then we have a joint venture agreement where we join hands with a Canadian manufacturer and put him together with a British manufacturer that owns, let us say, 50 per cent of the company; so, again, the Canadian company may have a 50 per cent interest in the British company, and the British company will enjoy a preferential tariff for the ECM, and there will be a return of capital by way of royalties or licence fees.

In other words, I think what we are trying to do, what we have been trying to do, in many parts of the world is develop the same kind of accounting that the British had before the Second World War, where there were royalties coming back from all over the world.

Mr. Lawlor: On the aspect of studies, I do not think I need to tell the minister—

Mr. Chairman: I might just point out to the member that, really, we are on the next vote. All right, Ontario House, and let us go on from there. Mr. Peacock, have you got anything to discuss on Ontario House?

Mr. Peacock: Mr. Chairman, does Ontario House in any way indicate the provincial government's attitude to British entry into the European Common Market?

Hon. Mr. Randall: I did not quite get the question.

Mr. Peacock: Does Ontario House, or Ontario agents there, indicate to the British government in any way what the attitude of the government of Ontario is toward British entry into the market, even though it does not have any formal diplomatic relationship with the government of the United Kingdom?

Hon. Mr. Randall: No I do not think it is.

Mr. Peacock: Is that government hearing from the Ontario agents as to the view of this government about the impact on Ontario's exports, should Britain enter the European Common Market?

Hon. Mr. Randall: All I can say is that in the discussions I have had with the government members who were over here from England, my agent general in London is having the same discussions with the foreign trade minister and others in the U.K. with reference to when they are going to go and what the ramifications are going to be on Ontario—on Canada, I should say. We got those reports back from them, and it confirms our belief that this is going to happen. It strengthens our intentions to get markets in other parts of the world.

I do not think that even the Canadian government has registered any disapproval with the British government about going in; I do not think we can dictate to the British. In fact, I think it is about time the British made up their minds what they are going to do to help themselves. They have won two world wars and lost two economic wars and Great Britain today, I think, is starting to climb back out of the difficulties it has faced.

If they find that they have got 250 million people in Europe who are going to buy off them a lot quicker and perhaps at better prices than they can sell here in Canada—where they have got a market, geographically larger than the United States with only 22 million people—I think if I was making the decision, I would have to say I would be a little bit selfish. I would make it to go into the ECM.

They recognize that they are going to have to make some concessions, for instance, in agriculture, if they go in. I think what held up most of those nations that joined the ECM was the fact that the farmers were in trouble. However, they seem to have solved it in the ECM, and I think the British have made up their minds they have to solve it.

No, we do not have that kind of status over there. I suppose Mr. Rowan-Legg can talk to

British members of Parliament. He is invited over there periodically. He can keep his ear to the ground, but I think it would not be in Canada's interest or Ontario's interest to stand in the way of Great Britain going into the ECM.

Mr. Peacock: One other question, Mr. Chairman. Has the agent general or the department here been able to determine whether Ontario exports have suffered in any way as a result of the favourable trade balance that Great Britain has been achieving lately?

Hon. Mr. Randall: I think it is too early to tell. I do not think we have any figures that would tell us what has happened recently. I notice the trade balance took a lacing, I guess it was last month; it went the other way.

Mr. Peacock: Yes, the opposite to last month.

Hon. Mr. Randall: Yes, but I say they have had a very good year to date. If anything, I would think that Canada has held its own and perhaps done a little better than most nations. I might say this—I think that the nations that are going to get hurt the worst when this happens are Australia and New Zealand. They are primarily agricultural and they admitted that in our discussions. They said there would have to be some concessions made but, as you know, New Zealand depends pretty well, I guess 70 per cent of its exports go to Great Britain.

Mr. MacDonald: What about Ontario?

Hon. Mr. Randall: We do not know yet what the impact will be on Canadian agricultural exports there when they join the ECM, but they still have to import. They can only produce 65 per cent of their own food so they have to import 35 per cent. I think the thing we have to worry about in Ontario, whatever they are buying from us is, "Are we going to continue to get our share of that 35 per cent?" If we are not, then we had better look elsewhere for a market.

Mr. Peacock: But aside from the question of entry into EEC, under the British government's programme of turning over its trade balance from a constant deficit position to the surplus position, is there yet any indication that Ontario exports, agricultural or manufacturing, have suffered as a result of that successful shift in recent period from deficit to surplus?

Hon. Mr. Randall: I do not know why we would suffer. I am inclined to believe we would benefit if they had a surplus of trade.

They would be buying more goods from us, I would think.

Mr. Peacock: They cut down on imports.

Mr. Chairman: Mr. Sargent, Grey-Bruce.

Hon. Mr. Randall: There have not been any restrictions. To my knowledge there have been no restrictions, no quota, placed on Canadian goods.

Mr. Chairman: Is your question on Ontario House?

Mr. Sargent: Before you place this question on that first vote, on the total, there are some questions that I, as the critic for the party, would like answered. An item of \$273,000 to Christopher Chapman.

Mr. Chairman: Are you on the Ontario House vote?

Mr. Sargent: I am on the \$273,000 on the first vote.

Mr. Chairman: I am sorry, Mr. Sargent, we are on Ontario House. The other items have all been passed.

Mr. Sargent: Mr. Chairman, we launched this vote and we launched immediately into discussion of Harbour City. I have not had a chance to ask the very important questions in this estimate, two items one for a quarter of a million dollars and the other for a half a million dollars, insofar as two items in this vote that I want to ask about, as the critic for my party.

Mr. Chairman: Well, I am sorry—

Mr. Sargent: They have not been discussed as yet.

Mr. Chairman: I am sorry, Mr. Sargent. You were here all the time during this—

Mr. Sargent: I was not here all the time and I have not had a chance to ask these questions.

Mr. Chairman: You had the opportunity.

Mr. Sargent: I did not, sir.

Hon. Mr. Randall: May I say, the hon. member will get a chance in vote 2206 to ask that when it comes under Expo if you wish. We can take care of it there.

Mr. Sargent: I am talking about—

Hon. Mr. Randall: I know, it is the same thing. The thing you are asking about we can do under vote 2206.

Mr. Sargent: Well, is it Expo 67 or Expo 70?

Hon. Mr. Randall: No, Expo 67 is all finished; it is 70. That is when you can ask that question.

Mr. Chairman: That is on vote 2206.

Mr. Sargent: I am not prepared at this point, as the critic for this party, to vote in favour of this vote on these two items until I know what these are for. There is almost \$1 million in these two.

I may not be here when vote 2206 comes up because the way we are going we may be here for a month. I ask the chair to do this, there has been confusion since the start of the vote.

At least I have been here all the time, and I want to find out on behalf of the Liberals.

Mr. Chairman: We will give you the chance on vote 2206. We cannot go back; we have passed all these right up the present one, Ontario House.

Mr. Sargent: Just a moment, I think that before you pass vote 2201 in its entirety, I think it is wrong to come back for two items, to come back to vote 2201 to get approval for it.

You cannot pass this vote until I vote in favour of it, and, so far as I am concerned, I will not vote for this vote until I know what I am voting for.

Mr. Chairman: We agreed when we started that we would take this item by item. Now we are down to the sixth item and five have been passed. Because you did not get up and give your objections, or ask any questions, I cannot help that.

We are on Ontario House now, the rest of them are passed. We are all agreed on that except you. Are you agreed on Ontario House?

Agreed to.

Mr. Sargent: Do you have to put the vote on the main vote?

Mr. Chairman: Yes, 2201.

Mr. Sargent: There are two items I do not know the explanation for. I would like to ask what the amount of \$273,062.50 is for, for Chapman.

Hon. Mr. Randall: We are in the wrong place, but I will answer the question. It is for making the movie for Expo 70 and the movie cost something like \$700,000 odd. That would be a partial payment, when the pic-

ture was finished the balance would be paid. It comes under vote 2206.

Mr. Sargent: It is listed in the public accounts under the main office.

Hon. Mr. Randall: That is Expo 67 you are looking at now.

Mr. Sargent: Now we have an item of \$533,000 for Takenaka Komuten Co.

Mr. Crowell: Mr. Sargent, I think we have a bit of confusion here because we have changed our programme activity structure. Although in public accounts for 1968-1969 this was in vote 2201, it is now in vote 2206.

This, I think, is where the confusion is arising while we are dealing with the estimates.

Mr. B. Newman: What is it all about? Tell us now and we will not ask later.

Mr. Sargent: What is the amount of half a million dollars for?

Mr. Clarkson: Most of these items in this section are related to costs for Expo 70 and you mentioned Takenaka. They are the construction company for the pavilions in Expo 70.

The one item that I can see that relates to Expo 70, the final including expenses—Cook and Leitch-Perini—they were the construction people for the pavilion at Expo 67. So there is the windup of Expo 67 and the beginning of costs for Expo 70. Most of them relate to the beginning of cost of Expo 70—Chris Chapman, the new movie; Takenaka, and so forth.

Mr. Sargent: You have a vote of \$45,000 in vote 2206.

Interjection by an hon. member.

Mr. Sargent: Oh no, you have \$45,000 on 2206. That does not include the \$500,000 I am talking about.

Hon. Mr. Randall: This is what he is talking about. That is two years ago.

What we are talking about now is the money we have spent in Expo 70, in the year 1970.

Vote 2201 agreed to.

Mr. Chairman: I think we will adjourn now. It is now 10.30 and the estimates go on on Tuesday. Remember, Tuesday at 3.15.

We are not here tomorrow, no.

The committee adjourned at 10.30 o'clock, p.m.



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION
Third Session of the Twenty-Eighth Legislature

Tuesday, May 19, 1970
Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

TUESDAY, MAY 19, 1970

The committee met at 3:15 o'clock, p.m., in committee room one.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (continued)

On vote 2202:

Mr. Chairman: We will now start. We are on vote 2202 and it is divided into four parts. I think probably we should take it in the different parts. Trade and industrial development is item one.

An hon. member: Three parts.

Mr. Chairman: Is it three parts? I am sorry. I thought there were four.

All right, industrial development.

Mr. H. Peacock (Windsor West): Under industrial development, Mr. Chairman, is this the programme in which the department assists companies to locate businesses in suitable areas?

Hon. S. J. Randall (Minister of Trade and Development): Yes.

Mr. Peacock: Could I ask the minister something about the manner in which that assistance is given? I recall his mention on Thursday last of one applicant for an EIO loan—and I assume this may have been another aspect of the loan application, perhaps it fits in here—who reviewed the suitability of 30 different municipalities before he finally selected one. That is a rather amazing number that were put before him for choice. I wonder how the department was able to assist him in selecting one of the 30?

Hon. Mr. Randall: I will ask Mr. Radford; he is the gentleman who does it. Perhaps he could elaborate on that for you.

Mr. M. R. Radford (Trade and Industry Division): We have in our records in the office, folders and sheets on some 600 municipalities in the province. This covers all of the industrial development factors—labour, near-

ness to airports, customs and excise, cost of the land, amount of water, whether there is gas and how close they can get oil; and all of these industrial development factors.

It goes into details such as the companies that are in these communities and the labour affiliations of those companies and so on within the community. An industrial development prospect can look at any number of these forms that he wishes to look at and it can be determined whether he wants to go and look at them or whether he wants to look at maybe only four or five.

The one that the minister (Mr. Randall) spoke about was an exception, I will admit, but there are companies that will look at 35 or 40. Over the past eight years that I have been here, there have probably been 10 or 15 that have gone to that extent. Some of them make a decision or they take four or five decisions back to their boards of directors in whatever country they come from. Then they will send up a team of experts, from the United States shall we say, and they will level off on the four or five and then pick one.

Mr. Peacock: Mr. Chairman, could I ask how many of the inquiries are linked to EIO loans? Is it possible for the minister or his officers to say what numbers of inquiries were made to this branch and how many received assistance, both those associated with the EIO loans and those apart from applications for the EIO loans? Do the two always go hand in hand, the EIO loan and the—

Hon. Mr. Randall: Yes, since we started the programme in January, 1968, of course, when an industry comes in if it wants to go to a designated area it is taken to the designated area. If it says it does not worry about where it goes, it wants to come into the province of Ontario and not necessarily, say, locate in a designated area, then it can go into as many areas that are not designated as it can in designated areas. But I do not know what the percentage would be off hand.

Mr. Radford: I am just trying to get that figure.

Hon. Mr. Randall: All right!

I might say that last year there were 159 manufacturing establishments brought into Ontario, assisted by the department. There were 144 new manufacturing arrangements made; there were 11 joint ventures made and 413 plant expansions, which we would have something to do with, with regard to taking them out on export missions and getting them increased business so they had to expand their plants. These are some of the activities of the industrial development branch.

In dollar volume, in those four items there was in new manufacturing establishments, an investment of about \$111 million; new manufacturing arrangements, \$3,168,000; joint ventures, \$1,287,000; and new plant expansions amounted to \$263,803,000, for a total investment of those programmes in Ontario of \$379,257,000. That is the industrial development programme. I understand 38 out of the 159 went to the EIO programme. They had indicated they wanted to go where they could get an EIO grant.

Mr. Chairman: Mr. Deacon, York Centre. Excuse me, Mr. Deacon, would you mind standing up? It does not record very well unless you do.

Mr. D. M. Deacon (York Centre): What preparation work is done ahead of time to be sure they know what they can sell, what are the terms, what delivery and the other assurances they can give those they intend to sell? I understand in discussions with people from overseas there have been many instances when our people go over there and talk up a product, but all the work has to be done afterwards to decide whether they can deliver the product. There is not enough preparation work. Are we correcting that problem?

Hon. Mr. Randall: I think perhaps Mr. Graham, who does the marketing—

Mr. J. V. Graham (Trade and Industry Division): I understood we were on industrial development. When we come to a marketing question, I am quite prepared to answer it, but it is in the wrong vote.

Hon. Mr. Randall: That is right, marketing comes under the next section.

Mr. Chairman: Do you want to let it go until we get to it?

Mr. Peacock: Just one other question on industrial development, Mr. Chairman.

Can the minister tell us what kind of information is given inquirers seeking assist-

ance for industrial development in respect to labour relations in various communities in which they are interested in locating? Is the information based on this department's own information gathering techniques or is it based on the Ontario Labour Relations Board records?

Hon. Mr. Randall: We use every bit of information that is available to us through the Manpower sources, the local council and any other information that would be available publicly, we use all those facilities. For instance, we must know before we take a company into an area whether labour is available and what kind of labour, and, as a rule, the age of labour. Sometimes, if it is a textile, they are looking for female labour. If it is heavy industry they probably want to get in where—for instance, if it were Sault Ste. Marie they are probably looking for male labour in an area like that. They are all gone into very carefully.

Mr. J. R. Breithaupt (Kitchener): How many projects are provided for in trade and industrial—

Hon. Mr. Randall: How many what?

Mr. Breithaupt: How many projects are involved in that \$870,000?

Hon. Mr. Randall: How many projects in \$870,000? I do not quite get that question.

Mr. Breithaupt: Item four, Mr. Minister.

Interjections by hon. members.

Hon. Mr. Randall: There are about 40 programmes involved there. Just a second, I think I have a list of them here. Here they are here. Do you want me to read them off?

Mr. P. A. York (Trade and Industry Division): You can hear me all right?

Well, these involve a total of some 35 to 40 programmes, which include such things as providing industrial building lists, industrial technology development missions, licensing missions abroad, municipal and industrial development forums, protection development clinics, seminars for industrial commissioners, engineering services abroad, export forums, design forums such as Eedee for furniture and fashions, bringing in Ontario groups of buyers, setting up exhibition sales missions which go out, sales missions which come in, summer and fall fairs, research for new industry, business opportunity missions which take place every month in the United States and abroad, providing information centres in

various industrial, international trade fairs, counselling services. So there is a conglomeration of programmes which goes to make the total of \$870,000.

Mr. Breithaupt: On the programmes, I am interested in finding out how the individuals who attend from business are chosen. Are there applications made by them or are they canvassed as to the various needs of the recipient country or the other countries? How are their expenses attended to? I presume they pay their own expenses.

Hon. Mr. Randall: We pay only their air fare there and back, and they pay all other expenses.

Mr. Breithaupt: How would you choose someone to go with you?

Hon. Mr. Randall: They are chosen in various ways. We have a number of industrial export seminars across the country during the course of the year.

In fact I am looking at some of the projects here now. For instance: exhibitions; Ontario product buyers; buyers in; buyers out; furniture buyers; Eedee award buyers; Eedee fashion buyers; engineering services abroad; marketing consultants; speaking engagements; marketing bulletins sent out.

For instance, in 1969 we sent out 20 bulletins, and there were 1,488 Canadian items listed which manufacturers had submitted to us and they said they would like to find a bigger market for their products abroad. We got 1,780 inquiries with reference to those bulletins. That is how we get most of these people who want to go on missions. They are aware of what the government is doing on missions, and they make application to go on a sales mission.

And I might say, maybe answering Mr. Deacon's question earlier, we make damn sure that we do not send a guy down to the Sahara to sell snow shovels. If he is selling fans he is probably in, but we carefully analyze the product he has to sell and see if it can be sold on that market; and then Mr. Graham, who will probably talk to you in a few minutes, goes ahead and analyzes the market for that particular product in the area before the mission is ever made up.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. E. Sargent (Grey-Bruce): Mr. Chairman, I do not see why we have to—

Mr. Chairman: Stand up please!

Mr. Sargent: I do not see why we have to stand up; the minister does not have to stand.

Mr. Chairman: Well this was already arranged, Mr. Sargent.

Mr. Sargent: Well, we have a—

Mr. Chairman: Mr. Sargent, this was already arranged. These microphones will pick us up sitting down, but will not pick you up unless you stand up.

Mr. Sargent: Well are you picking me up now Mr. Chairman? Can you not hear me now?

Mr. Chairman: I can hear you all right, but whether it is picking you up on the tape or not, I do not know.

Mr. Sargent: Why should I stand up?

Mr. Chairman: Because I was asked to tell you to stand up, that is why.

Mr. Sargent: Who by?

Mr. Chairman: By the people who are recording.

Mr. Sargent: We had this argument once before in the committee and—

Mr. Chairman: Sure, but if they cannot hear you and you want to have it in *Hansard*, that is your fault. If you want to stand up and be heard, why not do the same as everybody else does?

Interjections by members.

Mr. Chairman: Well I only have to go by what they tell me. So you argue with them.

Interjections by members.

Mr. Chairman: Okay. Would you mind standing up, Mr. Sargent, please?

Mr. Sargent: Can you hear me over there? Well I will sit down then.

Why is your budget \$3 million? Why is it not \$10 million? How much was it last year?

Hon. Mr. Randall: Well, the budget last year was about \$32 million less—

Mr. Sargent: I mean in this vote. It is \$3 million this year; what was it last year?

Hon. Mr. Randall: It is practically the same as it was last year. We were asked by the treasury to hold it in line, and we held it in line, so it is \$2,986,500.

Mr. York: \$2,986,500.

Hon. Mr. Randall: Yes.

Last year it was \$3,028,000; this year it is \$3,204,000, and this is about a \$176,000 increase, and that is mostly in wages and salaries.

Mr. Sargent: This covers the cost of your branches abroad, is that right?

Hon. Mr. Randall: Pardon?

Mr. Sargent: This covers the cost of your branches abroad?

Hon. Mr. Randall: Yes.

Mr. Sargent: And some of your people said that in the Canadian legations or the embassies abroad, or the Canadian diplomatic posts, whatever you have in the federal field, there is no room for the Ontario trade offices. I have been told that is a very ridiculous statement.

Hon. Mr. Randall: Well I might tell you that I approached Mitchell Sharp when he was Minister of Trade and Development, also Bob Winters, who followed Mitchell Sharp, and I suggested that we would be quite prepared, if they wanted us to, to share facilities with them in any area we wanted to put a man. We do not put a man in the same areas as they do, in most cases; but where they have a Canadian government trade office, we would be quite prepared to share their facilities. They thought about it but never gave us an answer in the affirmative, so we set up our own facilities; and really, in the long run we are not paying any more—we may be paying less—than we would if we went in with the federal government.

Mr. Sargent: As you have been aware, over the years I have thought this whole department is just a PR department for the government in spending—

Hon. Mr. Randall: Well that is a one-man opinion.

Mr. Sargent: It is a one-man opinion, but I have the right to say it. You would probably say the same thing if you were in the opposition, but I have a right to say that and I have proof that I think it is right.

Hon. Mr. Randall: You have a right to say it. Go ahead. We are not stopping you. Go ahead and say it.

Mr. Sargent: But in all of the 50 states to the south of us, does each state have an office abroad, or do they work in conjunction with the federal office? I mean do they have to have this division of 50 offices abroad in the United States? Do we have 10 provinces in Canada that have legations abroad like you have?

Hon. Mr. Randall: Some of them do. For instance, I know that the states of New York, Pennsylvania, Ohio, Illinois, California and many others have offices abroad. On top of that, the federal government has trade marts abroad—big offices with goods on display and—what do you call it?—a Kardex system to list the product's manufacturer in the United States. For instance, I know they have one around the corner from Ontario House with a staff, I think, of 25 or 35 people. So they have a very intensive coverage from the United States particularly, and there are a number of states that have their own people abroad and their own offices.

Mr. Sargent: So that states such as Illinois or Michigan—all those great states that have maybe five times the population we have—they would not have legations abroad?

Hon. Mr. Randall: I do not know what they have; perhaps Mr. York could elaborate on that. I know some of them do; I do not know how many of them do.

Mr. Sargent: But we are unique in this field, are we not, in North America?

Hon. Mr. Randall: I do not think we are unique. We probably do a better job of covering the market where there is a chance for us to do business than many other areas of Canada and some areas of the United States. They have all been up here—a lot of them have been up here—and had a look at our programme and gone back and are thinking about it themselves.

Mr. Sargent: But with all the economic cutting back, you budget no cutback at all?

Hon. Mr. Randall: Oh yes, we are holding our budget as of last year. Practically the only increase here is in wages.

Mr. B. Newman (Windsor-Walkerville): And in unemployment!

Hon. Mr. Randall: Well, we cannot help what the federal government is doing to the unemployment picture today.

As far as this province is concerned, we have been providing about 45 per cent of the national income for a number of years, as you recognize, and employing the vast majority of people in secondary industry.

I would also remind you—and if you listen to the radio you will know—the state of New York, the state of Illinois, most of the Caribbean nations, the British government, the French government; they are all advertising here in our Toronto newspapers and periodicals and through radio announcements, and there are offices trying to gain more trade for their countries; and at the same time encouraging Canadian manufacturers to go abroad. We have to meet that competition.

Mr. B. Newman: But why do you blame it on the federal government?

Hon. Mr. Randall: Well, we are not—

Mr. B. Newman: Who would you blame it on? The federal government here too?

Hon. Mr. Randall: No, we are not blaming it on the federal government. You just said that we are not very successful; I say we have had 10 years of absorbing almost 100,000 people in the labour force, and you do not absorb it by doing nothing. You absorb it by going out and competing very aggressively against the people that compete against us.

And we not only have to compete against other provinces, but we have to compete against states in the United States, plus the foreigners that are in here.

I do not have the exact figure, I would venture to say that 60 per cent of all Japanese imports of manufactured goods are sold here in the province of Ontario. Witness what happened to the television tube plant the other day; they just cannot manufacture 15,000 lamp tubes a year and stay in business.

At the same time, I heard of a plant in California producing 800,000 television tubes a year folding down. It could not manufacture 800,000 tubes efficiently. In Canada, I think the market for our tubes is about 180,000 a year, and that is taken care of primarily by what we manufacture here and what is imported from Japan. So when you look at the jobs we have created here through our programmes in creating a climate for industrial growth, I think the programme is worthwhile or I would not be doing it. I do not run with a programme that is not successful.

Mr. Chairman: Mr. Sargent, Grey-Bruce.

Mr. Sargent: Over the years, in our small hunt for industrial development up our way, we always felt it was most important to protect the industry we had and to strengthen and consolidate the industry we do have. My point is that if in the next six weeks to two months, 4,000 small firms go out of business in Ontario, which we are told they will, 20,000 will lose their jobs. Would it not be better to use the \$20 million you are giving to American industry to strengthen those? Give them a bank credit supply of \$1,000 each, and then continue this hunt for foreign industry.

Hon. Mr. Randall: No, I do not think so. I think what you have got to do is to have an overall programme. You have to invest some moneys in companies that are going to come and are going to have staying power, like Canadian Pittsburgh glass there. I am sure that in Owen Sound, the companies that your council has got up there in the last four or five years have certainly made a great contribution to the town of Owen Sound.

Mr. Sargent: Those were all federal loans.

Hon. Mr. Randall: All right. Whether they are federal or provincial does not make any difference. As far as I am concerned, they made a greater contribution to Owen Sound than trying to bolster a little guy with \$5,000 and hoping he can hang on and employ four, five, six or seven people.

Mr. Sargent: If that happens across Canada, you are dead and we are all dead.

Hon. Mr. Randall: We do not run the country, as the Premier (Mr. Robarts) said today—

Mr. Sargent: But you are not doing anything about it here though.

Hon. Mr. Randall: We cannot run afoul of the federal government's programme for curbing inflation.

We find ourselves caught in a bind. We must carry on with the programmes we have because, as we have proved, we have brought 159 industries into this province in 1969, despite the things that have been happening at the federal level because of monetary problems. We are not faulting the federal government. I am just simply saying they have one idea on how they are going to curb inflation; but let me just give you a point of view, too, that perhaps you would appreciate.

We are about to face a postal strike. These are service workers. We have just gone through CUPE. CUPE has got 18 and 19.5

per cent. If you look at the industries that are getting an increase in wages today, they are service industries. Insofar as producing a bicycle wheel or a bicycle chain are concerned, they do not produce one damn thing. The guys who are not getting any money, the guys we have to help, are the fellows who are going to be producers.

It is the producers you and I are worried about; whether they turned the key in the door today! The producers are going out on the street; but if they do not stop giving increases to those who are non-producers, I do not know how they are going to curb inflation.

I am confused. I do not know how this operates. I do not know how you can take the postal workers and the CUPE workers—and you name the rest of them—and give them increases and not give it to the productive workers; because it is the productive workers who send the taxes in and send the money up to Ottawa.

If we are not producing the goods that we can sell in our markets and we turn around and we are importing goods that we could be manufacturing ourselves, I say the economy is in for a rough time. The more that happens, the harder we should work at the programmes we have right here now.

Mr. Sargent: These countries you are doing business with now—at least you are on a search for industry—they have wage and price controls. What do your studies tell you about wage and price controls for this economy?

Hon. Mr. Randall: They do not have wage and price controls. They have a conglomeration of a number of things that we do not go for. For instance, we have in this country restricted trade practices, the combines legislation. I have always maintained that we are at a disadvantage in Canada because we have those against manufacturers competing here. But then the foreign countries, like Great Britain and France and Germany and Japan, use that to advantage when they want to get in and cut the hell out of a market.

We have the same problems when they ship goods in here from eastern Europe. The COMCON countries can turn around and decide what they are going to sell a product at in, say Canada or the United States, and they can come in and wipe out a market overnight.

There are many discussions going on in Ottawa and we are in some of those discussions with regard to the major industries. But our major problem today is trying to run an economy of 20 million people, geographically

larger than the United States, against some of the foreign competition where they band together with government assistance and government agreements to cut themselves up a market. I think if you look at the terrific strides made by the Datsun automobile in this country in this last year—it almost staggers the imagination, how they can come in and take over a market almost overnight. This is done with careful recognition of the market to be taken and how they are going to approach it.

Mr. Sargent: You are committed to an expenditure of over \$3 million in this one vote here—

Hon. Mr. Randall: That is right.

Mr. Sargent: —of trade and industrial development. In view of the havoc that is going to happen here, people and bankruptcies all over the place, are you going to continue this search abroad for industry?

Hon. Mr. Randall: I do not agree that 4,000 firms are going to collapse; I do not know where you got those figures from. Your figure may be right, I may be wrong; but I think it is up to the government to keep up its aggressive sales policy to bring in as much new industry as we possibly can, because only by bringing in secondary manufacturing are we going to have service jobs.

As you know, about 34 per cent of our people are employed in secondary manufacturing. About 53 per cent are employed in service jobs. The rest are in farming, fishing, mining and agriculture and they are getting fewer every year. If we do not bring in new industry, if we do not bring new techniques into Canada, if we do not get more manufacturing industries started over here, we are going to have a lot of people looking for work who will not be able to find jobs.

Mr. Chairman: Is there any more discussion on industrial development?

Mr. J. B. Trotter (Parkdale): I have one question, Mr. Chairman. I was wondering, when we are trying to encourage industry in Ontario, what your department does to encourage the government of Ontario to buy products that are either made in Ontario or Canada? What made me think of it was the equipment we are using with the microphone. They come from Austria. The chairs we are sitting on come from the United States, I think from Grand Rapids, Michigan. These are types of things that would not seem to

require tremendous mass production. Why would the government not encourage that we purchase products that are made in Ontario?

Hon. Mr. Randall: Let me say this. I think the government, all the purchasing agents, have been advised that wherever they can buy Canadian. If the price and the quality are equal, or close to equal, they buy Canadian. If the price and quality are not equal, then they buy foreign. I think the federal government have a policy whereby if they bring in foreign articles, they will not pay any more than 10 per cent higher than the Canadian price.

Mr. Trotter: Have you a policy here in the province of Ontario?

Hon. Mr. Randall: We follow pretty well the same policy as the federal government.

I must also remind him we face a dilemma here. Let us look at it. In Canada as a whole we can feed ourselves. We have all the raw materials, the mineral resources we need and we are second almost to none in manufacturing techniques. I am talking about Canada as a whole. We have three blessings going for us; and if we export two of those blessings, which are food and raw materials, we have to take back, in most cases, manufactured goods.

If you look at Great Britain, all she has to export is manufactured goods. That is all Japan has with 102 million people. No raw materials. They have to export manufactured goods.

This is the difficulty that we, in Canada, have been facing in the last year or two. We have been watching a great influx of manufactured goods—such as textiles, and the rubber industry and the chemical industry—things that are manufactured are coming in here in ever increasing volume. Maybe our tariff policy has to be overhauled in view of the huge increase in certain items that are coming in and upsetting our market here for our own employees.

We try not to be parochial. We try not to say, "It was not made in Ontario or in Canada. We will not buy it". I think we have to have an open mind for when we go abroad to sell our own goods. I went down to Australia about two years ago and we sold \$450,000 worth of seats for the new opera house; they were made right here in Toronto. An Australian manufacturer would probably say: "Why do they not buy Australian seats?" It just happened that our

seat was a better seat, I guess, at a better price and our man got the order.

We try not to be parochial. Sometimes I agree with you when I look at some of the equipment here. I say, perhaps we should buy it from Canada. On the other hand, I think people are conscious today, with our "Shop Canadian" programmes, that the job you save may be your own.

I think we are doing a pretty good job in making people conscious, or making women conscious, of the fact that they should look at the labels on the backs of the clothes they buy to see where they were manufactured and what the quality is and are they washable or cleanable. We have a programme going along to encourage people to shop Canadian, but on the other hand, we recognize that they are not going to shop exclusively Canadian.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Mr. Chairman, I wanted to ask the minister. He said that he believed the federal government had a policy where they would pay no more than 10 per cent over the Canadian price and he indicated that the Ontario government had a similar policy. Why would we agree to pay 10 per cent or any percentage over the Canadian price? Why would we, at any point, agree to pay that—

Hon. Mr. Randall: I am sorry. It should have been in reverse. We pay if it is 10 per cent less. I am sorry, I think I did say that. In other words, if a Canadian manufacturer has an article for \$1 and foreign goods are 90 cents, we take a look at the taxes involved in the Canadian purchase. We take a look at the number of people employed and on that basis, that is a pretty good yardstick as to whether or not the Canadians can get the business. Now if there is a 20 per cent or a 25 per cent difference, then the purchasing agents—and remember the purchasing agent is appointed by not only the government, but by the country, to get the best product at the best price, because he becomes a purchasing agent for the community—on the basis of that 20 or 25 per cent difference he would take a second look. Perhaps some of the stuff you are looking at right here may come in because it is better than the ten per cent below our price.

Mr. Deans: I wonder if I might ask you. First of all, in regard to this; do you actually have a policy in the government of Ontario

that says that this 10 per cent margin is acceptable?

Hon. Mr. Randall: There is no written government policy. We have had a number of instances where manufacturers have come to us and screamed their lungs out because of, primarily, the difficulty we have had right within our domestic market. For a long while, you remember, Saskatchewan—I do not know whether or not you are aware of it—but Saskatchewan had a preferential tariff policy for the people of Saskatchewan if you manufactured in Saskatchewan. They have one in the province of Quebec.

We have had a good look at the programme and said we think a parochial approach or a tariff policy between provinces is dynamite. We have never had one here, and as far as the Quebec or the Saskatchewan manufacturer is concerned they can be the same as the Ontario manufacturer.

When it comes to offshore, we must have a look at it. For instance, I say if it is coming from Japan we recognize that maybe those goods coming in from Japan, or even Great Britain, may be subsidized by the British or the Japanese governments. If they are, we want to make sure that our manufacturers are protected.

Mr. Deans: Is there any policy within the government that stipulates that government agencies and commissions must seek the Canadian market first? In other words, they must go out and attempt to purchase the product that they are attempting to purchase from the Canadian manufacturer before going to the outside manufacturers?

Hon. Mr. Randall: I think that is followed. I do not think there is any policy, but if I know a good purchasing agent—I know in my own business we sought a Canadian business first.

Mr. Deans: Could I ask you if you think that such a policy would be a good idea?

Hon. Mr. Randall: Well I think the policy—

Mr. Deans: The policy of the government!

Hon. Mr. Randall: I think the policy now, without stating it in writing, is in effect. I think what you are asking—the policy—is in effect. But if you want it up in lights, the answer is no. I do not think we should put it up in lights because we have to do business with these people. I think the less we say about—

Mr. Deans: I agree.

Hon. Mr. Randall: —our purchasing policies, the better for it.

Mr. Deans: One other; one last question: What attempt is made to determine whether or not the products you are purchasing from the Canadian subsidiaries are, in fact, manufactured in Canada?

Hon. Mr. Randall: I do not suppose you could prove it 100 per cent but I think that we are agreed to buy an all-Canadian product. We want to make sure it is all-Canadian product; we can ask what the Canadian content is. I would say, in the main, we get mostly Canadian content in our products.

Mr. Deans: When you say you are sure they do, you think they do. At this time, I think the minister would agree, there is some unemployment from time to time. You know when we are talking about the kind of unemployment we are facing in the province of Ontario, and in Canada as a whole, I think it is absolutely essential that the government make every effort to make sure that the products that they purchase, if they are manufactured in Canada competitively, are purchased here.

You cannot let any stone go unturned. You cannot say, "I hope they do it," or "I think they do it," or "We think good trade practice dictates it." I think you have got to be positive about it. I would think that in this field—it may be a little out of this vote—but I think in this field that this—and this wraps up what I want to say—this government, and this cabinet as a whole should direct all government agencies to follow that practice.

Hon. Mr. Randall: Let me just say for one government agency—I suppose, indirectly, the Hydro. The Hydro have a policy. They thoroughly check the Canadian content of the orders they place.

As far as our purchasing agents are concerned around here, those who have been buying lead pencils and things like this, I would assume that in the main they would try to get Canadian content.

On the other hand, take a man who is manufacturing 50 per cent here and then importing 50 per cent that is not made here and is employing Canadians. I do not think you can differentiate between him and the guy who is making 60 per cent or 70 per cent here. That is the thing we have to watch here—that we do not get into slicing up a

product by percentages and the guy who gets the most percentage, regardless of price or quality, gets the order. This is something we have to watch. I think we can appreciate that.

Mr. Chairman: The hon. member for Walkerville.

Mr. B. Newman: Windsor-Walkerville!

Mr. Chairman: Windsor-Walkerville; I am sorry, sir.

Hon. Mr. Randall: That is Hiram Walker—the liquor is free down there.

Mr. B. Newman: Mr. Chairman, I wanted to ask the minister if the department has conducted studies at all into man hour or labour content of industries that do come here—come into Canada and set up in Canada. Do you encourage manufacturers who manufacture items of high labour content, as opposed to manufacturers that may simply primarily produce material and then ship it elsewhere for finished manufacturing?

Hon. Mr. Randall: We have done both. We are interested, first of all, in capital investment. Because even the capital investment—for instance, let me give you an example.

If a company came over here to start a pelletizing plant in northern Ontario, the lowest cost pelletizing plant they could put up would be about \$60 million to \$70 million. While it is going up, they employ 400 or 500 or 600 people to get the plant up and get it organized and put in all the controls. Maybe a lot of the equipment they buy would be Canadian equipment, if it is made here.

Once the plant starts to operate—I have seen those plants up there—I think you recognize they can operate on maybe 110 or 125 people total just pushing buttons. So the labour force drops from 500 and some-odd down to 110. That is a \$60 million to \$70 million investment and you would automatically tie that in with the number of bodies employed.

Let me go back to Ford down in St. Thomas. Ford put \$60 million to \$75 million in their plant and they are employing 2,900 people. But you could put the same kind of money in a pelletizing plant and employ 125 people.

I think the answer to your question is that we like to see an investment come in and employ a lot of people right off the bat. But on the other hand, if it is a large capital

investment, that will contribute taxes to the province of Ontario and Canada, will give employment to some, will create service industries, utilizing Canadian raw materials and Canadian manufactured goods, I do not think we would draw the line as to how many bodies they have to hire before we would be interested in them.

Mr. B. Newman: I think, Mr. Chairman, to the minister, that he should be concerned as to the number of bodies that are going to be hired.

Hon. Mr. Randall: Well, we are.

Mr. B. Newman: And probably more concerned with that than the size of the investment coming into the country. Because the investment that comes in is here permanently, as you might say, whereas the bodies are going to produce by far more and be more of a contribution to the overall economy of the country and of the province than are the hundreds of millions of dollars that may come in.

The examples that you use—of the steel industry, the pelletizing plant and the Ford Motor Company plant—are good examples of that. Your efforts should be concentrated, in my opinion, to bringing in industries similar to the Ford that are going to employ a lot of man hours and not necessarily bring in a sizeable financial investment.

Does the department undertake studies as to the labour content or man hours content of materials that are imported into the province or exported as a result of manufacturing in the province?

Mr. Sargent: Good point!

Mr. York: No, we have not. I do not think there is any. I am sorry to say that we do not.

Mr. B. Newman: Do you not think that it would be good to know; and that we are exporting jobs by not having that type of information available?

Mr. York: I might say that generally we know, for instance, the labour content in our exports—when you speak of potash and lumber and uranium and wheat that we generally export. Take as an example Japan, which is exporting commodities which maintain a 17 per cent labour content; but we import some products which are as high as 72 per cent labour content. In general, we know the picture, but to do this specifically for each individual plant or each individual industry is a

bit of a chore which at the moment we have neither the resources nor the manpower to do.

Hon. Mr. Randall: What we have done—may I just give you some information—what we have done is that for a long while we had to rely on DBS figures; and now even DBS is going to change them.

Let me give you 1968 and 1969 exports from Ontario. We have now got it broken down. For instance, No. 1 is live animals, \$26,816,000; that is a 17.3 per cent increase last year, 1969, over 1968. Then we go to food, feed, beverages and tobacco—and the majority of those are Canadian—that is \$360 million, up 10 per cent. Food materials, inedible—that is Canadian—\$582,743,000. So we have the dollars.

Then we go to fabricated materials—\$1,382,817,000. Then products such as bicycles, motor cars and what have you—\$4,443,966,000.

So we have the breakdown in dollars, but we have not yet been able to measure it out. Maybe one of these days if we will get a computer programme going on this dollar volume, we could break it down to man hours, but right now it would be a pretty difficult job. I do not know what we—

Mr. B. Newman: This is why I think we have to look over our whole export program. Rather than being interested in dollar value at all times, we should be interested in labour content value. Are we exporting a million hours of labour and importing two million hours of labour on the finished raw material? If we want parity at all, then we should try to balance off as close as possible our exports, not at dollar value but in labour content value of our material in relation to the labour content value of materials coming in.

For example, we ship raw materials to Japan and we bring back the finished article. Our raw material might have one man hour content, and for that we bring in something that has provided five man hours of labour to the Japanese. I think we have to reconsider the whole export picture and get away from this dollar and cents value and get into labour content value.

Hon. Mr. Randall: The only thing is that if you can break it down into provinces you may have something. The difficulty is, for instance, Massey Ferguson, I do not suppose, sell 25 per cent of their implements in Ontario. The 75 per cent is sold in the wheat-growing country out west, yet that is where a lot of our dollar exports come

from—the western provinces and a bushel of wheat. There are not many man hours in a bushel of wheat; there are a lot more, say, in a bicycle chain.

It is pretty hard for us to turn around and recognize that we have to look at the Canadian total—to take into account that Canada is shipping wheat. It means that we in eastern Canada are getting the benefit from that because we are producing implements that are shipped and sold in the west.

Again, as I say, we can talk about our figures here but we must recognize that if the rest of Canada is down on its shipments of raw materials or food stuff out of Canada, our manufacturers in eastern Canada suffer very greatly. This is one of the difficulties we face today.

For instance last year, I think in 1968 or 1967, we did about 45 per cent, I think, of the export total. So 45 per cent of the total Canadian exports were out of Ontario, and I think 43 per cent the year before.

It is a tough thing for Ontario, believe me. The tough thing for Ontario is to sell manufacturing goods in a world that is highly sophisticated. If you look around; as I said a few minutes ago if you look at France, Belgium, Holland, Germany, Japan, Sweden—most of these countries are highly organized on a manufacturing basis. I say most of those fellows need our manufactured goods like they need a hole in the head. We have to have something good and we have to have a market. We have to be able to go and sell those goods in a market that may be very competitive.

Still, we have been able to increase our volume of trade in manufactured goods. I agree with you; if we could measure man hours, I would like to measure man hours. But we cannot always do that when you look at dollars. If you measure man hours in the sale of wheat, there are not many man hours compared to what it would be in manufacturing.

Mr. B. Newman: I understand it is not that simple at all, but the cost accountant within the manufacturing industry knows the man hour content of every single item he manufactures. He has it broken down to that point. As far as our exporting and manufacturing items are concerned, I think we can figure out the man hour content of that. Likewise, we should be able to figure out the man hour content, or have provided to us the man hour content of materials that are imported into the country.

Another question I wanted to ask of the minister is does he have an inventory of the industries that are probably producing below capacity and could stand a substantial amount of business?

Hon. Mr. Randall: Mr. Radford, would you answer that? I think you have an inventory of those people.

Mr. Radford: We have an inventory of excess capacity that we bulletinize probably eight to ten times a year to people who may be able to take up some of that excess capacity. This is rather difficult at times because the fellow may need one type of machine or another but we list the type of machinery that is available. We have tried to keep up with this through the joint venture programme and through the manufacturing arrangements programme which is under this vote.

Mr. B. Newman: Yes. In your approach to industry in the United States, you make available to them the fact that here we have production capacity for this and this type of item and you are looking for them?

Hon. Mr. Randall: I can give you two good examples. For instance, in the aircraft industry we assisted Douglas to get started up at Malton. Now Douglas are, I think, using something like—how many subcontractors have they now, right across Canada?

Mr. York: There are 83 in Ontario.

Hon. Mr. Randall: There are 83 in Ontario. I know they go down into Nova Scotia and the Maritime provinces manufacture aircraft parts for Douglas here. When I was in California the other day our man there was working with the federal official as well as the Quebec official. The three of them were working to get orders for a new piece of equipment being manufactured for the U.S. navy which is going to revolutionize some of the navy equipment. All three of them were involved in talking about subcontracts for Canadian manufacturers. Our biggest difficulty has been to get these Canadian manufacturers to take that kind of work.

Mr. Peacock: They have to be careful as far as the subcontract is concerned once it is successful.

Mr. Chairman: The hon. member for Kent.

Hon. Mr. Randall: Just a minute, I have not finished yet.

Mr. Peacock: Is that one of the reasons?

Hon. Mr. Randall: I did not get that.

Mr. Peacock: Is the reason they are reluctant to take on a subcontract from a prime contractor like Douglas the fact that Douglas bought out the subcontract from De Havilland once they were assured that they would reach the break-even point on the DC-9 wings and empennages?

Hon. Mr. Randall: I do not think so. I do not think that. Douglas have been expanding very rapidly since they came here. I think you know what happened to De Havilland. They got so much business they got into financial difficulties, they could not finance it. Hawker Siddeley had that, if you recall, and Hawker Siddeley could not finance it so they were glad to get out of it. They stood to lose \$70 or \$80 million in the first year if they had stayed in it. They got out of it and Douglas took it over and since then Douglas have done their own financing. In most cases they are using subcontractors all across this country.

Mr. Chairman: The member for Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, I wanted to ask the minister if they have any figures as to the percentage of Ontario-manufactured items that are geared to the U.S. war effort in any way, shape or form; items that are used by the military?

Hon. Mr. Randall: We do not have an inventory on that, no.

Mr. B. Newman: My purpose in asking that is supposing the conflict over there ends, sort of overnight, what happens to Ontario industry as a result of the cancellation of all of these contracts?

Hon. Mr. Randall: I think there are two areas we would get hit. One is in the raw material area—and I am talking about steel—and the other may be special companies set up to manufacture this highly specialized equipment. There are not too many of those that I know of. I think my friends here would agree with that. Very few are exclusive war contracts; most of them have hedged.

They recognize, whether it be tooling or anything else, that it could end tomorrow. It was the same when we were in the Second World War; we did the same thing. We had to hedge because we recognized that it was not going to be a continuing programme.

Mr. B. Newman: Yes, but even tooling up does not solve the problem at all. You have to have a market for the article you are going to manufacture. Today you have the market because a lot of it is geared to the U.S. war economy.

Hon. Mr. Randall: That is right.

Mr. B. Newman: Now, were that to terminate all of a sudden, what is going to supplant it?

Hon. Mr. Randall: The only thing that will supplant it is that the manufacturers, as I have said, would have to put the pressure on. I do not think it is that bad in some areas—but if it is either exclusive, or if 50 per cent of their plant is involved in war work, I think they would have to put some new products in.

They would be looking to us for new products—some of them are talking to us about new products—or they would have to step up the production of the ones they have and find bigger markets for them. I would think answering your question would be rather difficult because we do not know how many people are involved in this area. A lot of defence contracts are secret.

Mr. Chairman: The hon. member from Kent.

Mr. J. P. Spence (Kent): Mr. Chairman, I would like to ask the minister, in regard to service industries we find in general that service industries locate in towns and villages, and under your Act service industries do not qualify for EIO loans. We find sometimes service industries employ 30 people, or 15 people; and to have 30 or 15 people employed in a town makes a big difference when the population is only 800 or 1,000 people.

Did the minister ever give consideration to making it so that service industries could qualify for the EIO loans? I think it would help the rural areas in general, because the service industries generally locate out in the rural areas. I find so many times that industries would start if they had an incentive to assist them. What are the minister's views on qualifying service industries for EIO loans?

Mr. Chairman: That comes under 2206.

Mr. Spence: I am sorry.

Mr. Chairman: If you would like to wait until it comes up in 2206 and ask the question. We have the hon. member from Peterborough.

Mr. W. G. Pitman (Peterborough): Mr. Chairman, I would like to make a comment here. It is rather a philosophical comment, but I cannot help but be rather amazed by what is going on in this whole programme. I cannot agree with the member for Windsor-Walkerville that we can import industry which is essentially labour intensive, simply because on the whole this will mean importing inefficient industry. The whole tendency in industry today is to get away, as much as possible, from labour to capital intensive industry.

As well as that, if you were going to put any strictures upon industry coming into a country and giving them the opportunity to settle in Ontario, by telling them that they must keep their industry essentially labour intensive, you would have to put the same strictures on the industry that is already there. What you are doing is you are putting into your whole industrial structure an input which essentially is to make it uncompetitive throughout the world. You could not possibly operate in this way.

Really, what you have here is not a system of creating jobs in the long run; it is a job-creating system in the short run, that is over a short period of time. Eventually what will happen, I would think, is that all these industries will try their best to get their labour content down and down. What you have is a system of not distributing jobs but distributing capital, really. It seems to me that what you have here is, in place of a guaranteed income, a guaranteed capital system. Here we have the rather ironic situation of the Minister of Trade and Development, who prides himself upon his free enterprise, being the greatest socialist in the Ontario government, because what he really is doing is putting socialism at the top. In other words, we will start at the top and work our way down. And not only that, but we are giving money, at least in part—51 per cent, I think, in terms of capital—to the Americans, in a sense, to take over Canada. This is an interesting aspect to it as well; because essentially they are not coming here to create jobs, they are coming here to put their capital into a place where they can make the greatest amount of money.

It seems to me that this is almost a lunatic kind of a situation in the long run.

Hon. Mr. Randall: You are getting philosophical now.

Mr. Pitman: I know I am getting philosophical.

Hon. Mr. Randall: You should be at Trent University talking to those kids there, because you are not very practical.

Mr. Pitman: I am just one of those economic weirdos who reads Galbraith, Servan-Schreiber and Watkins and all those, so just be patient with me. It seems to me that what this department should be doing is spending a great deal of money, not in just passing capital around and distributing capital, sort of giving out a guaranteed capital system, but rather trying to find out what you can do about technology and how you can stop it from disrupting the total work pattern of a community; how you can redistribute at the bottom as well as the top; how you can find ways by which small towns can be not phased out but become meaningful communities, even though there is no industrial growth going on there.

It would seem to me that in the long run this department has a tremendous responsibility, in a sense, to realize what problems they are creating. You should be providing all kinds of research projects at Trent University as well as any other university, to see how you can pick up the pieces in this kind of situation.

Hon. Mr. Randall: Let me just say this. I do not buy the philosophy of yours that automation throws people out of work. This is really in essence what you are saying—that by using capital and technological advance you employ fewer people. I think if you go back in history you will find it employs a lot more people. In fact, I think since the automotive industry started the new pact in 1965—

Mr. Pitman: Look—

Hon. Mr. Randall: Wait a minute—there are 19,000 more people on the UAW payroll.

An hon. member: Well, Ford talks—

Hon. Mr. Randall: Wait a minute now! I am just saying that they are fully automated in the automobile plants. I mean, a guy cannot bend over and scratch himself, it does it for him as he goes down the line. Do not try to tell me on the fact that automation has thrown people out of work—

Mr. Peacock: We will let you try to sell on that one! Use the auto industry as an example and sell it to them.

Hon. Mr. Randall: Automation keeps adding people because you sell more products. You are more competitive; you can compete

all the more. If you did not have automation, I can assure you we would be a banana republic today.

Mr. Pitman: I have said that. It is exactly my argument.

Hon. Mr. Randall: When we talk about spending our money just on capital investment for machinery equipment—on the programmes I outlined here a minute ago, this \$379,257,000, in 1969 alone we estimate from that there would be 12,265 jobs.

Mr. Pitman: How much is applied to jobs?

Hon. Mr. Randall: In 1968 there were 13,829 and to date, since 1965—1,463 to 1969—115,539 that can be traced.

Mr. Pitman: Your first assumption, of course, is that those jobs would not be there, if those loans were not made. I simply do not accept that assumption to begin with.

Hon. Mr. Randall: What do you mean, the jobs would be there if we did not make the loans?

Mr. Pitman: Right!

Hon. Mr. Randall: How do you know—

Mr. Pitman: How do you know they would not come?

Hon. Mr. Randall: How do you know they would come? My guess is as good as yours.

Mr. Chairman: We are not on loans now. We are not on loans at all.

Mr. Pitman: I know, I think the minister brought that point up. The point I want to make to the minister is that if you do not think that technology in the long run is going to cut out labour, then you, sir, are running directly opposite to what I think practically every knowing person in the industrial world thinks. In the long run, what we have seen for the last 10 years, essentially, has been a kind of saw-off in the United States, whereby what has happened is industry has introduced technology only to the degree, or at the same rate that workers go out the other end. There has not been any great massive infusion of workers into the industrial scene in spite of the expansion of industry and productivity in the United States, where they simply introduce technology to the extent which the workers are going out at the end; because of aging and for the other reasons a number of workers are leaving the working system. I suggest to you that if you think technology

is not going to cut out jobs, you are very sadly mistaken.

Hon. Mr. Randall: They may be starting to work later and they may be retiring earlier, I grant you that. But suppose a man works only when he gets to be age 30 and retires at age 55, what is he worth? Well, I think he can make quite a contribution in that time. All I say to you is you look at the problems of Ontario since 1962 or 1960. We have had nothing but expansion in this province and we have had pretty well full employment all the way through until this last situation—

Mr. Sargent: In spite of you.

Hon. Mr. Randall: Yes, in spite of me. We should have more like me. All I say is that in the province of Ontario, with all this technological advance, we are as advanced, I think, as any manufacturing nation anywhere, in the things we can do best; and I do not see great hordes of people walking the streets.

Mr. Pitman: Well it really has not come to that yet.

Hon. Mr. Randall: No, no; but listen: Anybody—you can look at the future and say everybody is going to be unemployed. I remember old Sewell Avery of Montgomery Ward. He said one day there is going to be a depression and he would not spend a dime on his employees to fix up his plant. He wound up with \$250 million cash and a broken-down chain of stores—Montgomery Ward. Sears-Roebuck took the opposite view and today they are the greatest, most scientific merchandising organization in the world; and they do the best job of looking after their employees and they are employing more people every day of the week.

So I say to you whether it is in merchandising or manufacturing, these technological advances are going to come along and they do not create less jobs in spite of what you say. They create more jobs and the kind of people you are talking about in the universities—better educated people—will get better jobs and better pay.

Mr. Peacock: You may see the sales forces growing.

Mr. Pitman: The service industries take up the slack. That is where—

Hon. Mr. Randall: The service industry would not take up the slack unless you had the manufacturing industries. They create—

Mr. Peacock: Well, that is obvious.

Hon. Mr. Randall: Sure.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, this vote of \$3 million involves the junkets that we read about—the Prime Minister and the minister in Europe with the film cameras and the glamour boys boating up and down, and putting on a big show for the Canadian—

Mr. Chairman: There is nothing in this vote on—

Mr. Sargent: I am talking about trade and development in Europe and all over the world, under this vote—

Hon. Mr. Randall: No.

Mr. Sargent: —spending this kind of money.

Mr. Chairman: You are on the wrong vote.

Mr. Sargent: I am not on the wrong vote. I am on trade and industrial development, vote 2202.

Mr. Chairman: Vote 2202, right.

Mr. Sargent: You are going to spend on travelling expenses \$243,000 on one vote, and \$86,000 on the next section, \$112,000 on the next section, and \$45,000 in the next session for travelling—for this minister and these people to travel abroad and the taxpayers here have been facing financial nightmares. The minister's crack to me the other day that I brought down a lot of deadbeats to get these loans and that is why they were turned down—I say there are thousands of people you have turned down who are deadbeats and it does not go down very well, Mr. Minister, across Ontario, you saying that people who were not granted loans were deadbeats.

Hon. Mr. Randall: Listen, do not start up a political argument. You know what was said.

Mr. Sargent: I know what was said.

Hon. Mr. Randall: You know what was said. You sent two or three people in to me and the guy was bankrupt before he came in, or damned near it, and you would not expect me to give the taxpayers' money out to the fellow, would you? It is your money.

Mr. Sargent: You are going to have to prove that to me before this vote is over.

This man should have got ahead of MacNaughton, and I can prove it in the paper here.

Regardless of that, Mr. Minister, as the member for Kent said, and one or two of us up here, we are watching the disappearance of the small manufacturer in this province. We are watching the disappearance of the small businessman by monopoly takeovers, plus all these take-overs, and it is questionable in this whole vote, Mr. Minister, whether the \$75 million you are asking us to give you is self-liquidating.

Hon. Mr. Randall: Let us get away from the \$75 million. Let us not talk about the housing programme in trade and industrial development. We are talking about \$3 million. Let us stick to facts; stick to facts now.

Mr. Sargent: All right. It is questionable then. The \$3 million, with the five other votes here, are geared to big business, whether it is self-liquidating, whether we get back enough to pay for all this money. And in the course of this whole exercise, you are being big fellows distributing largesse under the guise of development.

Now, the point is that we have completely disregarded any form of help for the small operator or manufacturer, who has \$50,000 or \$100,000 worth of capital. Would you call him a small businessman—\$100,000 worth of capital?

Hon. Mr. Randall: Pardon?

Mr. Sargent: Would you call a man who has \$100,000 capital investment a small businessman?

Hon. Mr. Randall: Yes, sure.

Mr. Sargent: It has been assumed by economists, Mr. Minister—and this is the key point of my argument—it has been shown by economists that a man who has \$100,000 worth of investment capital, would generate in taxes, in revenue, \$50,000 a year through his employees and through all his taxes, will generate \$50,000 a year. Now, I submit to you, in my final pitch here in this section, I submit that the majority of the taxes raised in Ontario are raised by the small manufacturer and independent people and the small entrepreneur, the small retailer. They are the fellows who provide and generate the funds to make this government tick. And nowhere in our economy in Ontario is there anything to help these people. The service industries deserve recognition, but they are all going to go down the pipe unless you give them

some. Why can you not look at them as being generators of revenue with a right to live. But they are not going to live under this system because there are takeovers all the way down the line.

Hon. Mr. Randall: Are you talking about small retailers?

Mr. Sargent: No, I am not talking about retailers. I never have talked retailers. I am talking about small, independent manufacturers. The manufacturers today are a lost breed; there are no more people who can take a product and make it produce into an end product. Those guys have disappeared forever because you are going along with the big boys from the States, Mr. Minister, giving them a *carte blanche* and you forgot the little guy who makes our economy tick. You have nothing for him.

Hon. Mr. Randall: Do you want to sit back now and take a lesson? You talk about the small businessman. I did not want to go into a long discourse but we might as well get this cleared up because you are going to stick to it like a dog after a bone and you are completely incorrect. There are approximately 13,000 manufacturing companies in Ontario. For the division's purposes, a small company is defined as one with 15 or less employees. Now, do you call that a small businessman, from one to 15 or fewer employees? All right.

In some cases, however, as in the case of manufacturers capable of exporting, companies employing up to 50 employees each may be considered small. A company with 50 employees may be a small company.

Taking the smaller measurement, there are approximately 7,300 companies—or 55 per cent of the total—employing 15 persons or fewer in Ontario. Now we are talking about the same guy.

Considered another way, however, the number of employees working in these small companies amounts to only 33,500. That is the total number of employees you are talking about this afternoon, or four per cent of the 818,227 employed in all Ontario manufacturing industries.

Now, I will give you a copy of this.

Mr. Sargent: Where did you get the figures?

Hon. Mr. Randall: I just worked them out and I will give them to you. You can peruse them or throw them away. Since

the department is concerned with the maintenance and creation of a high level of employment as well, it is important that programmes accommodate companies that employ the other 96 per cent of employment in Ontario.

Nevertheless, the trade and industry division does have a number of programmes designed specifically to assist the small manufacturer.

In the industrial development branch, a large part of the work undertaken in the manufacturing arrangement and technology sections is with small companies.

Licensing opportunities for new products and processes in the province are presented to all manufacturers in Ontario through the mailing out of "Manufacturing Opportunities" bulletins. We talked about that earlier. These listed 575 items in 1969. In these bulletins small companies have an equal chance with all others to take advantage of the offer.

In 1969 the manufacturing arrangements section participated in the successful completion of licensing agreements with 11 small manufacturers with 15 or fewer employees.

The "Manufacturing Opportunities" bulletins also publicize existing Ontario companies which have excess equipment and services that could be used by other manufacturers. We talked about that earlier.

In 1969, approximately 80 per cent, or 312 of all companies responding to these bulletin items, were small companies with 15 or fewer employees.

Eighty per cent of those responding to these bulletin items were small companies with 15 or fewer employees.

Also listed in the bulletins are both Canadian and U.S. manufacturers who need specific subcontracting work done.

In 1969, approximately 80 per cent, or 328 of all companies who offered to do this subcontracting work, were small companies with 15 or fewer employees. So we are looking at them.

The manufacturing arrangements section is also responsible for the department's manufacturing—

Mr. Sargent: How are you looking after them?

Hon. Mr. Randall: The manufacturing opportunities show. Just a minute.

In this show are displayed all items which are currently being imported by existing

manufacturers in Ontario. The objective is to encourage other Ontario companies, which may produce the items shown, to tender bids and thus supply locally. These shows, again, are open to small manufacturers in Ontario, both small and large.

At the most recent MO show in 1969 an inventor's display area was added. Since inventions are usually the creations of one or two persons only, they can be classified as small businesses. New inventions in Ontario which were patented were put on display with the hope that existing Ontario manufacturers would offer to produce them. In the 1969 MO show, 81 inventors were assisted.

Again, the manufacturing opportunities bulletin lists, in a separate section, other new inventions which have been patented, so that the assistance provided by the MO show is carried on throughout the year. In 1969, 54 inventors with their new products were listed in the bulletins.

In 1969, seven industrial technology development missions were conducted by the technology section. These missions take businessmen to centres where advanced technology can be studied. The objective is to introduce some of these techniques into Ontario. Of the 80 companies conducted on technology missions in 1969, 12 or 15 per cent employed 15 or fewer people.

The technology section also conducts product development clinics. Experts are taken to selected areas throughout the province to meet with local manufacturers and discuss their various production and designing problems in an effort to improve manufacturing processes.

In 1969, ten clinics were held; one each at Belleville, Brockville, Niagara Falls, Chatham, Barrie, Kitchener, Oakville, Hamilton, Woodstock and Oshawa. Of the 306 participating companies at these clinics, 66 or 22 per cent were small companies with 15 or fewer employees.

As part of its day-to-day business the technology section provides consultative services to any company in Ontario. In 1969, of the 65 companies assisted, 27 or 42 per cent employed fewer than 15 people.

The marketing branch of the trade and industry division is always seeking the smaller Canadian company to participate in their trade mission programme abroad.

In 1969, of the 188 companies participating in the sales opportunity missions, 28 employed 15 or fewer persons while another 68 employed between 16 and 50 persons. Together

these accounted for over half the companies taken on trade missions. So, again, we are taking the small manufacturers—

Mr. Sargent: How much money did you lend them?

Hon. Mr. Randall: I will tell you in a minute.

Export forums, also conducted by the marketing branch, are constantly encouraging the smaller manufacturers throughout the province to participate. In 1969, of the 381 persons attending the forums at least 300, or 80 per cent, represented the smaller companies employing under 50 persons.

The marketing branch is also involved in a consultative service to Ontario manufacturers in an effort to stimulate interest in and assist companies in entering export markets. In 1969, of the 2,964 persons assisted, over half, or 1,482, represented firms employing fewer than 50 persons.

Finally, the marketing branch also circulates a marketing bulletin to Ontario manufacturers, listing products that are needed by businesses outside of Canada. In 1969, offers to supply these products were made by 1,780 enquirers. Of these, again, more than half represented employers with fewer than 50 persons.

A considerable amount of work undertaken by the research branch is also geared to the small businessman. In 1969, of the 192 requests for short-term market studies from individual businesses and associations 51, or 26 per cent, were from individuals and small companies employing 15 or fewer persons. Another 29 requests were received from companies employing between 16 and 50 persons.

In 1969, a market survey was completed for the sand casting industry in Ontario. The results of the survey were distributed to all of the foundries in the industry. About 40 per cent of these companies employed 50 persons or less, and about 15 per cent employed 15 or less.

During 1969, the research branch began an in-depth study on the nature and efficiency of small companies, those with employment of 50 or less. The study is still in process, but data has been prepared on the value added per dollar of wages, or productivity, of these companies by specific industrial breakdown over a period of years.

About 80 per cent of the work undertaken by the foreign market development section of the research branch is geared to the small and medium-sized companies in Ontario. The larger companies either conduct their own

foreign market research or are already involved in exporting in a sizeable way. During 1969, 25 studies of foreign markets were distributed to 1,332 companies, mostly small and medium-sized.

Finally, a number of directories and statistical publications, including the "Statistics for Profit" publication, are prepared for distribution to all manufacturers in the province. Once again, the small companies are given as much preference as the larger ones.

I think that this demonstrates beyond a shadow of a doubt that we are not neglecting small business. I agree with you 100 per cent that we are in no position to finance a small retailer. I do not know how in the world we can. We do not have that kind of money.

Mr. Sargent: I am not asking you to finance anybody.

Hon. Mr. Randall: No I know you are not, Eddie, but you are talking about small businessmen, and I assure you that our programme is geared to the small businessmen, because somebody said the other day that 80 per cent of the businesses—and I think this proves it—employ less than 50 people. So when we talk about big American companies like Dow Chemical and everybody else, you must look at the programme. Who are we helping? The big companies do not need that kind of help; they do not need to go on sales missions with us. They can go on their own.

What we are doing is putting our time and our effort into the little guy—the little guy you have been talking about. If the guy is solvent, if he comes to us before he gets insolvent, we can help him. If he comes after he is in difficulty and he just uses the taxpayers' money to pay off his creditors and he has got no operating funds, then we are in trouble. I can give you a copy of this. I would like you to have it, so you can take it and study it. This is what the programme is doing for companies.

Mr. Sargent: How much money do you lend them?

Hon. Mr. Randall: Well, I do not know how much money was lent to those people, but let me tell you what happened: We spent \$71,221 in 1969 on sales missions out—that is primarily for air fare—and for every dollar spent we got back an estimated \$470 worth of sales. I would like to run a business and get those kind of returns, and I am sure you would.

Mr. Sargent: Those are your figures, Stan.

Hon. Mr. Randall: All right. They are my figures, and they are pretty accurate.

Mr. Sargent: I hope they are accurate.

Hon. Mr. Randall: These are from the companies. We estimated last year they got about \$25 million of sales on these missions, and we estimated for every dollar spent we got \$470 worth of sales.

Mr. Sargent: I will say goodbye to 80 per cent of the businessmen of the province of Ontario that I am talking about. They do not rate financial support, but the American firms do. That is all I have got to say.

Hon. Mr. Randall: I do not agree with you.

Mr. Chairman: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Chairman, I want to come back to a question I raised earlier and which you felt came later in the estimates. Without going into any great explanation of the situation, I would like to ask the minister what his department is doing, and what more it will do, to cope with what might be described as chronic unemployment and economic stagnation conditions that emerge in pockets across the province?

I think the classic example at this point is Cornwall. I would concede at the outset that this is not typical of the province of Ontario, thank God! But it has been the way it is for virtually 10 years, going from bad to worse.

In a recent visit to Cornwall, when I had an opportunity to talk to people from virtually all walks of life, they pointed to the closing down of Canada Cottons some 10 or 11 years ago—1959 I believe was the year—when some 2,000 people were thrown out of work, and the community has really never recovered from that blow. What makes matters worse is that the whole impact of the seaway—which I do not need to tell you was a project sponsored by the federal government and with the provincial government proudly sharing in it—has been to direct business to the American side of the river, so that there has again been a gradual, regular yearly decline in business that is having an impact on the community.

Without going into the detail—because it comes up more appropriately in another estimate later—I am told by the local people that

any effort that has been done in terms of EIO loans, apart from one or two big ones, has been to assist companies that are marginal companies, in the sense that they are paying very little, if anything, above the minimum wage. So, once again, you are only sort of compounding the economic stagnation of the area. What have you done, or what do you plan to do, in conjunction with the federal government, because I would concede that the federal government shares in both creating this kind of situation and in solving it?

It seems to me that it is not only tragic, but it is scandalous that in a province like Ontario you should have an area that has stagnated to the point where today they have 18 per cent of their working force unemployed; at the present time, they have something like 95 per cent of the building trades unemployed. What are you doing, or what is the government as a whole doing? Because one of the preoccupations of the local people, who contend that their industrial commissioner gets—I have forgotten what his figure was—something like 100 opportunities a month for new industrial development—the number of opportunities that most communities would be glad to get in a year, but they do not materialize. And one of the reasons the local people are persuaded they do not materialize is transportation costs, and they are persuaded that there is a monopoly in terms of truck transportation in the area that gets tied in with PCV licences and things of that nature.

Now I asked the Minister the other day, and he said in effect there is nothing in it. Well he has not persuaded anybody in Cornwall, from the chamber of commerce down, that there is nothing in it. And the mayor has said something since to indicate that he is persuaded there is something in it. What is your department itself doing and what is it doing as a co-ordinating department with Transport and all other departments that might in one way or another in their policies have an impact on that community?

Hon. Mr. Randall: Let me say that all these programmes outlined here are available to the city of Cornwall, and I have been working very closely with the mayor since January, 1968, as Mayor Kaneb will tell you. We put, I think, about 12 or 13 industries in there, and I grant you, I think that they have created about 350 new jobs and maybe maintained some jobs that were going to close down with some of the bigger companies.

But, then, Cornwall is the victim of two things. I think it is also the victim—and you said it—of the seaway; it is also the victim of having a textile industry. This badly hurts some imports. And as you know, we have been discussing the import situation with Mr. Martel.

Mr. Sargent: And is Ottawa helping?

Hon. Mr. Randall: Not at the moment, but there is a meeting on the 22nd of this month with Mr. Marchand and ourselves next Friday. Mr. Marchand's people will be down there next Friday to discuss the possibility of both governments looking at the Cornwall area, the special area. We have been asking for that for a long time, but they are coming down.

Mr. Deacon: Were they not waiting for you to request that Blind River be treated as a special area?

Hon. Mr. Randall: It was not us. We requested it and Mr. Marchand said, "No," on March 25. I think I have the letter in my pocket.

Mr. Peacock: You do much better than that, do you not Mr. Yakabuski? You do much better than that.

Mr. Chairman: Mr. Clarkson wants to answer.

Mr. S. W. Clarkson (Deputy Minister): I would like to answer the questions on the Cornwall situation. We have been working with the Department of Regional Development and Economic Expansion in Ottawa for the past few months. I believe Mr. Kent, the deputy minister, was down there and dealt with the matter of designation, so that has been pursued. In Ottawa, they have undertaken to go through the various departments to see what programmes they have which might be expedited in Cornwall. We have done the same thing here. We have surveyed all government departments and agencies. We have held a meeting and we have considered what programmes could be expedited as fast as possible. I have been in regular touch with the federal department and, as the minister said, we are going to Cornwall this Friday for a joint meeting of all concerned.

In terms of existing activities, I believe we have on both sides done what could be done. From the trade and industry point of view we have several firms which at the moment look as if they might locate in Cornwall. I believe there are a few firms which have also applied to the development corporation for

loans which are in the midst of being processed at the moment.

I do not think this will solve the long-term problem which was mentioned, but at least we are doing our best to come to grips with the immediate problems as best we can.

Mr. MacDonald: May I say that I find it curious to hear, Mr. Minister, that you are getting the federal government in and you are going to do the best by way of each department stepping up its activities to try to create some sort of a palliative. But palliatives are not the answer.

Something fundamental has to be done, as down in Cape Breton. They are taking a look at the problems there, but in Ontario you have not got the difficulties of trying to cope with the economy that is isolated from the main market. You are right in the main market. Cornwall is within a few hours drive of Montreal, one of the main markets of Canada and it is within a few more hours' drive to the major market, namely Toronto.

It seems to me that you have, in terms of transportation, in terms of market, in terms of all the ingredients for coming up with the kind of economic planning that will, if necessary, rebuild the economic base in that area.

Quite frankly, it is a little disgusting that conditions like this had to go on for 10 years and only at this stage has the inertia been overcome to the point where the two levels of government take action. It would seem to me that it was obvious that Cornwall should have been a designated area from the federal level a long time ago.

Hon. Mr. Randall: It was in the original programme. It was designated along with Windsor, and Brantford. At that time they absorbed the employment down there. Since that time the textile industry has really—

Mr. MacDonald: 1955 did you say, or 1965?

Hon. Mr. Randall: 1964-65 is when the federal programme was on. This employment situation has developed since that time because of the drastic closing down of the textile industry. This has been the major difficulty and we have recognized it and said that we must get more diversified industry. I think if you found another textile manufacturer—they would give you the keys to the city. But if a guy closed down in Moncton now they would run you out on a pole.

Mr. S. Lewis (Scarborough West): How come you have not been run out in that case?

Hon. Mr. Randall: I have not been down often enough.

The point is we have been trying to get diversification on this. We do not call them prospects, we call them suspects at the present time and they are being carefully analyzed by these cities. We will do anything we can to get them in there. We want to get diversification in there.

There are two difficulties, and you pointed out one. The first one is of course, that the general textile towns are affected; the second has been the seaway transport. That has been the major problem.

As for transportation, that matter has been discussed with the mayor and myself at the municipal conference. I said I would look into it. I looked into it, and the information that came to me indicated what I told you in the House today, that they do not have a monopoly on transport down there.

I think the Minister of Transport read out four or five companies that are operating over there. How or what they are operating I do not know, but I assume all that will be discussed at the meeting on the 22nd. It is one of the things we will bring up at that meeting.

Mr. MacDonald: I hope you do because we will be back to it in light of the reaction that took place in Cornwall. The only point I want to make, without belabouring this situation unduly, is that the deputy himself concluded by saying: "This does not necessarily serve the long-term problem." This is a long-term problem and it seems to me that there is a real challenge to us in the province of Ontario when we have got an area of chronic stagnation, to grapple with it, and come up with a solution. I am glad you have not got it all across the province, but—

Hon. Mr. Randall: As far as I am concerned, I think there is an error, and Mr. York will tell you we have bent over backward to get as many industries we can. There are very few areas in this province that get 12 industries, but unfortunately the industries going in there are not big industries. I would like to get another Ford Motor Company or somebody in there; that would solve their problems for all time to come.

But I agree with you; there is no trouble with transportation insofar as this location is concerned. You have got two railroads, the seaway and Highway 401. They never had it so good as far as transportation is concerned. It is a good area to locate and

it is between two big markets—the city of Toronto and the city of Montreal, if you want to look at cities—insofar as its operations are concerned. But the people we are talking to now are the ones that employ a considerable number of people, if we can convince them to locate there. But I would think after May 22, we will see what the federal authorities are prepared to do with regard to a special designated area in there, along with our own programme, and perhaps this will speed up the making up of the minds of some of the people we are talking to.

Mr. Lewis: Are you talking to the federal people?

Hon. Mr. Randall: Yes.

Mr. Chairman: The Leader of the Opposition has the floor.

Mr. R. F. Nixon (Leader of the Opposition): Well, Mr. Chairman, on a slightly different subject. As I understand it, this vote deals with the promotion of trade and business, and I have always had some misgivings after its rather political start. The minister, I think, was not a part of the government or even of the Legislature back in 1962, and maybe he even flinched in the days when promotion was actually undertaken by the government of Ontario, when this branch was buying billboards picturing a hippopotamus that was supposed to have something to do with fostering trade, and the minister of the day got a little sensitive about the hippopotamus because it was not home-grown and changed it to a moose. It is an interesting comparison to realize how comparatively responsible this minister has been since the change in jurisdiction. At least he is—

Mr. Peacock: You were not here.

Mr. Nixon: Well anyway, I can remember those days very well. I believe the minister was part of the economic council, was he not, in those days? He was on his way up then. The marks were on him. I do not know whether he realized it or not.

Interjections by hon. members.

Mr. Nixon: But certainly this branch began as a blatant political emanation. There is no doubt about it. And the objection that was put in those days—it was always difficult, and it is still difficult today, because why should we object to spending money if it is going to improve business. We sense this problem today in objecting to the expenditure of this \$3 million, but basically it

is the responsibility specifically of another level of government to advance trade, because the minister himself says that he is very anxious not to interfere with other provincial jurisdictions, and I believe it is to its credit—and I think the facts will show—that he does not interfere with provincial jurisdictions. He keeps out of the trade difficulties that Quebec has been experiencing and so on.

But if you were to take the logic that that has kept this branch in existence for about nine years, you would really have to recommend to a city like Brantford that they have somebody there, designated not as an industrial commissioner but as somebody who will go out and sell their combines and their baling twine or bindertwine and the other products. Then there is a town like Cornwall, I suppose, fortunately not too far advanced in deterioration of the business economy, but it has been facing very difficult times in recent months.

So, if I begin with an objection, which I suppose has got to be part of my conservative background—with a small “c”—then I will object to you reproducing and overlapping the facilities and expenditures of the federal department of trade. Their budget is close to \$40 million for this purpose; they have trade representatives and competent people and, certainly in the presence of your advisers and others, you have competent people performing a somewhat similar job. I have talked to businessmen who have gone on these trade trips and certainly they have come back full of confidence for the way it was organized.

But I feel that George Hees probably could have done as good a job at the federal level if given, perhaps, a little longer opportunity, and that Mr. Jean-Luc Pepin has a substantial budget and qualified representatives of Canada in almost every country of the world and almost every capital and in every major trading city.

It must be very difficult for business people to say, “Oh, yes, you are Mr. Randall from Ontario. Is that separated from Canada?” In essence, you know, they are saying that you can do something for Ontario that cannot be done at the federal level. You have never—even though an authority on federal matters is here, and I am glad he is an authority on something, because it has not shown through on his other statements—you have never shown, through statistics that the \$3 million that you are asking us for is going to be of specific value.

The EIO programme is a different thing. We have got some substantial objections to that, but I think you can show that a certain number of jobs have been created and certain industries have moved from point A to point B often within the province and often leaving problems behind, when they go to an area where they improve the situation.

But I have heard the minister read an account, similar to the one that he had prepared by his capable assistants and advisers on what he is doing for small business, relating to this foreign trade development—this old hippopotamus approach. The idea that so many businessmen were taken to so many countries, that certain orders were written that created so much employment.

But you have never really been able to convince an objective adviser, let alone a subjective one, like myself, that a—I am sure that Mr. Peacock will agree, he is certainly subjective at times on these occasions—he has never been able to convince even an objective adviser that similar work could not, and in fact would not, have been done by the federal authorities. This goes back well into the Diefenbaker years, if that is any sustenance or assistance to those people over there—those stoney-faced Tories who are not prepared to listen to reason on these things.

Let us then, take it a step further. Assuming that you are going to continue this programme for a period of time. Assuming you are going to continue—

Interjections by hon. members.

Mr. Nixon: You do not have to listen, but you cannot deny my right to express my view. If you do not have any views—yourself other than to support the administration, that is your tough luck.

So, Mr. Chairman, if you will permit me, I think that if this \$3 million is going to be made available again, the minister ought to be able to give us something specific in the way of policy, or maybe just his own ideas as to how he is going to meet what in many communities is becoming an emergent situation. Mr. MacDonald referred to Cornwall and to Brantford, and to others.

The minister, particularly through certain of his branches, must be well aware of certain industries, some of them well established, some of them that have been around for a long time, which for the first time, maybe, in 50 years are starting to face the grim outlook of a serious business recession, and some problems that are going to certainly

give us a lot of concern as citizens, taxpayers, members of the Legislature and as politicians.

Why can you not use your authority, or at least your position of advice in the cabinet counsel, and the network of information that surely to goodness is available to you now, through the various people sitting at your right hand and others who have responsibilities across the province, to head off a situation similar, let us say, to the Dunlop situation.

At the time it was put forward, I think Mr. Lewis was one of them and there were others, it was generally well-known that if Ontario Hydro had placed an order with Dunlop for that expensive conveyer machinery and belting that would have been necessary for these huge installations that they are building—some of the largest thermal installations in the world—that Dunlop could have continued, even for a period of time, allowing the transfer or the easing of the difficulties associated with the transfer; and maybe have tided them over to a market that was more viable.

There are several other industries, I would submit to you, Mr. Chairman, that are facing similar problems. I hope to goodness that we are not faced with a number of substantial plant closings through the province like in Cornwall and in Brantford and in other places where the market simply runs out on the industry. These fellows are in a position of management, sometimes even in a poor position of management that we have grown accustomed to—that is, I mean conglomerate management where somebody here in Toronto, perhaps, or even further removed from the community that is going to be affected, will simply say “The graph has come below the red line, close her off. To hell with the Legislature, to hell with the people and the minister and everybody else.” The minister has, I would submit, the responsibility to represent the public interest far and beyond simply responding to the headlines. I feel sure that the minister’s advisers are aware of some of these problem areas now, where a co-ordination of the expenditures of our \$4 billion—admittedly only a small percentage of that, is for the actual acquisition of goods—might be directed towards warding off some of the problems that the Minister and the Minister of Labour (Mr. Bales) and the Minister of Education (Mr. Davis) and the Premier and others face on an *ad hoc* basis when they open the newspaper in the morning and say “Oh, God, we have got another one of these things”.

I think that really is where this \$3 million should be directed. This \$3 million will not do much to keep these industries on the go. They have suffered in the past and, I feel, are facing emergency situations now but I think a co-ordination of government policy would help.

The case in point that I refer to, Dunlop, is typical. Maybe you are not prepared to develop a policy where the purchasing in the province to some extent, and maybe a definable percentage extent, would be preferential to our own industries in those areas where it is obvious to people in the know—and surely you are one of them in this regard—that this assistance would have to be short range assistance. This short range lift might very well carry some of these companies over the difficulties they are experiencing now.

Without trying to pin the tail of responsibility on the federal government—you can do that as long as you want—we have here a department, or let us say a branch, whose background, I think, is very chequered and leading to certain disquietude and distrust. This minister has dispelled quite a bit of that, although he is not beyond taking all the credit that is going for things political. I do not suppose that most of us would throw up a certain chance when that comes along. I think it is time you moved ahead.

I think probably the succession of trips with businessmen to Russia, Japan and elsewhere and coming back with the books full of orders—according to your account—that may be a part of it; frankly, I have got my doubts. I think the federal government can do that better. I think that they are already funding that sort of direction. I think that you have got to—this branch has got to—move into another area of, maybe, very short range co-ordination of policy that we must have if we are going to avoid some of the problems that we are all very familiar with in recent weeks and which seem to be looming in some of our communities now. I think there is a question in there.

Hon. Mr. Randall: Well, Mr. Chairman, I can—

Mr. Chairman: Certainly a long speech is it not?

Hon. Mr. Randall: I can appreciate the hon. member’s concern, but I think he has touched on a number of things that this government has no jurisdiction over. One is tariffs. Part of the problem in Cornwall is tariffs and we have been talking to Mr. Pepin about the tariffs.

I have not one but perhaps a half-dozen letters in my files in which I have discussed various industries in Canada that are affected by tariffs. I do not think we move fast enough when it comes to closing the door after the horse has been stolen, and I think Mr. Pepin recognized that when he made his announcement the other day about the textile industry. As far as industry in your town is concerned, I do not know what this government can do about selling wheat.

Mr. Nixon: Oh, well—

Hon. Mr. Randall: Now wait a minute. Before you came in here, we talked about what would happen if they did not sell wheat and certainly the implement manufacturers down here would suffer a great hardship. Now, I do not know whether we were led up the garden path by the Russians and the Chinese in the big wheat deals we got a few years ago. All of a sudden they got us out on a limb and we produced wheat like mad; now we find that they do not want it and we got it back and it backs up to the entire economy. These are some things I do not think any provincial government can solve, and the federal government is having one hell of a job deciding what it is going to do about it.

As for this department, we have had a trade and industry department in this government, I understand, for about 30 years; this is not new. We keep on being told we have to run the government like a business. If we run it like a business, then we are told we should get out of business.

Now I do not know how you can run a province and an economy as big as this one and not have a trade and industry department. I thought you were going to say I should go back and ask for \$16 million and run a good department.

Mr. Nixon: No, no. Remember, your predecessor said, "When this money is gone, I will go and get more. When this \$100 million is gone, I will go and get another \$100 million." You have toned that down considerably. Actually I am talking about a new emphasis on this—

Hon. Mr. Randall: I know what you are talking about.

Mr. Nixon: I think you have stayed at the same point long enough.

Hon. Mr. Randall: Just let me finish my point on this. As far as I am concerned, we have discussed this at great length with all the trade ministers up in Ottawa, and I can

name them all—there must have been five or six trade ministers since I came to this government—and every one of them welcomed the provinces going out and assisting in helping themselves. I have always said I look at the trade minister at Ottawa as the general sales manager and myself as a district sales manager. And every province should be prepared to help itself. I said earlier this afternoon that if you want to look at what the states in the United States are doing, they are advertising here; all the other provinces are advertising here. We have to compete against what they are offering in other states and other provinces; we have to make sure, in the province of Ontario, that we get our share of business.

Now, if you want to come to any of our meetings with businessmen and ask them what this government is doing for them, I think they hold this government in very high regard for the amount of energy we have expended in the trade and industry branch. And Mr. Bourassa, who looks much like you, said the other day, "All I want to do is spread the welcome of Ontario across Quebec." They have had trade offices all over the world the same as we have, and we are working very closely with them, because we think those two fellows there, the Quebec man and the Ontario man, can go out and put a lot of pressure on a foreign buyer. And we are doing the same thing.

I say this to you: The federal government does not have the same programme we have. They do not have a licence agreement; they do not have a joint arrangement agreement; they do not have these things. They have taken people out on what they used to call technical missions, where they took all chemical people or all building trade people; then they got to mixed missions, the same as we did. Now they are into the same kind of programme we are, with fashion awards and furniture awards. They are going in the same direction we are going because, as they have said, "This programme is successful and we want to be a part of a successful programme." And they have not once, to my knowledge, objected to Ontario or any of the provinces having their offices and assisting them in bringing more trade for Canada.

I said to my friend Mr. Sharp when he was trade minister, "If we had ten trade ministers out of every province taking ten or 12 people abroad every three weeks, I will show you how to do a lot more business for Canada than one trade mission going out of Ottawa because the fellow up in Ottawa is handicapped."

If he sets up a trade mission and says, "I will take one washing machine salesman from Ontario and a manufacturer from Ontario," the personnel guy in Quebec says, "Why was I not invited to go on the trade mission?" This is the problem we get into when they try to pick people on trade missions. So I would say to you in all earnestness that the \$3 million we spend in our trade and industry department, which covers salaries, wages and everything else that if we had twice as much we could do a better job.

I do not think any province should give up its position in a competitive market like this and say, "Let us leave it to the federal government." The federal government would be the first one to tell you they would not want you to leave it to them. I think we have to help ourselves and that is exactly what we are doing.

If we have had the successful 10 years, in this province that we spoke of a few minutes ago there was very little unemployment and increased economic gains every year—it is because we have been helping ourselves. We have not depended on somebody else to do it. Certainly if we look at the change of governments they have had up there in Ottawa with Diefenbaker and Pearson and what-have-you, I think you would find that a hell of a lot of trade missions and a lot of trade activities would have come to a dead end. Canada would have been a lot worse off today than it is at the present time. In many parts of the world, they know Ontario better than they know Canada insofar as trade is concerned.

When trade missions from Europe come here, they go to Ottawa. The first thing we do is get a call from Ottawa and they say, "We have a delegation here from country X. We are sending them down. Can you look after them?"

They come in here and we look after them. We take them around to manufacturers. I think we are the only province that would get 100 or 150 manufacturers in a room like this and turn the Russians or Hungarians or Czechoslovakians or the British or the French loose in the same room and say, "Go ahead and sell them." "Go ahead and sell your goods to our manufacturers."

They do the same for us when we go over there. This has been a very good programme for us because they are obligated to do the same for us. It saves us going around ringing doorbells and looking for a suspect and then turning them into a prospect.

My feeling is the programme we have going here is the best thing going in Canada right today of any trade programme and I do not say that because I run the department.

An hon. member: Oh no!

Hon. Mr. Randall: Not all. No, I do not. I was brought here to do a job and I intend to do it the best way I know how. This is the way I know how to do it.

Mr. Nixon: Just before you finish, Mr. Chairman. If the minister would comment on the idea that we might co-ordinate on a short-term basis through this department and through this branch some of the specific needs of the industries in some of the towns we have been referring to. Just as sure as we are sitting here, there is going to be another plant closing in town X next week and 300 people will be laid off and everybody will be wringing his hands.

If somebody could do something about it ahead of time. If somebody in the province could do something, it has to be you. You have the funds. You have the experts and you are closely connected with the business community through this department. While we can argue till the cows come home about Ottawa's responsibility, you and your colleagues certainly cannot be dismissed from responsibility, particularly yourself.

Hon. Mr. Randall: I pointed out that we have made surveys of companies, but we never know a company is going to close the door. I said in the House the other day that if the companies that are going to close the door would come and see us first and ask if we could help them in any way, shape or form, we would be glad to undertake to see what we could do for them.

But let me just point out one thing—and I am sure my friends in the NDP will not agree with this, but you will, you are a businessman; you would not run your farm for one year if you were losing money. You would eventually say: "Well look, I have to sell the bloody thing—"

Interjections by hon. members.

Hon. Mr. Randall: If you were losing money, you would not run it for a year. Now, let me point out—

Mr. Lewis: You had better pick another example.

Hon. Mr. Randall: Let me point out one thing.

Mr. Lewis: Oh, come on! If you consider the tax write-off possibilities for an international corporation, then you would run it at a loss.

Hon. Mr. Randall: That is right.

Interjections by hon. members.

Hon. Mr. Randall: Let me just say this to you. I am not trying to be facetious, but I am saying to you that you show me a business that cannot make in the neighbourhood of 20 per cent before taxes and I will show you a business eventually that could be in deep trouble, because two things happen. All the guy has left after taxes is eight per cent.

I talked to my friends in the Ontario Federation of Labour the other day about borrowing mortgage money and they said, "Well, if we can get a guarantee of eight per cent from the Ontario government, we would be glad to put up some mortgage money. They themselves want to make sure they get an eight per cent guaranteed return.

You ask any investor in this room, ask any investor on Bay Street to put his money into a business that is losing money or not making three or four per cent. I will use Westinghouse as an example. Westinghouse last year did \$223 million of sales. They made \$2.7 million after taxes and you figure what that percentage is. On \$105 million investment, that is 2.7 per cent on \$105 million. If I said to you today, "Would you loan \$300,000 to Westinghouse for 2.7 per cent return?" you would say that I have rocks in my head. I can put it in a mortgage at ten per cent.

The thing that is happening in this country and we had better—

Mr. Lewis: Why did you give them money?

Hon. Mr. Randall: I did not give them any money. All I am suggesting is if you do not watch what you are doing today in the manufacturing industry, there will be a lot more businesses closed down. I say this is where our friends in the union have to recognize that if there are problems in the factories, the unions have to sit down with them and say, "What is the return on investment?" I am quite sure that many of these people will sit down and say, "Look, if we cannot improve our return on investment, we are going to be in real deep trouble."

Mr. Lewis: The companies? Westinghouse will tell the union its return on investment? General Electric will? Pilkington will? Dunlop would open its books? You are dreaming,

Mr. Randall, you are dreaming. They will not allow it. They do not even notify you in advance, let alone speak to the union.

Hon. Mr. Randall: All you have to do is look at the balance sheet.

Mr. Lewis: Now, come on!

Interjections by hon. members.

Mr. Nixon: If you had taken ahold of that Dunlop thing and instructed Ontario Hydro that they had to buy the big conveyors from Dunlop, then Dunlop would not have gone out of operation.

Hon. Mr. Randall: What was the difference in price? Was it 175?

Mr. Nixon: Let us say it is a matter of policy. Look at the social cost in closing that factory.

Hon. Mr. Randall: I know the social cost.

Mr. Nixon: And it is a tremendous social cost. As a matter of fact I do not think Ontario Hydro was that convinced that they were going to buy it in Japan at the time that Dunlop closed. I think you people should have stepped in there.

Hon. Mr. Randall: We did not know anything about it until it was closed.

Mr. Lewis: Right, that is the point.

Hon. Mr. Randall: Had they come to us before they closed, we could have done something for them.

Mr. Lewis: Well, why do you not make it mandatory that they open their books to you?

Hon. Mr. Randall: If they will voluntarily come forth and say we are in trouble, we can help them but—

Mr. Lewis: You will not do that.

Hon. Mr. Randall: Do you want me to walk into Brown's Camp and—

Mr. Lewis: Oh, do not throw out red herrings.

Interjections by hon. members.

Mr. Chairman: Come on, let us have a little order here. I have you on the list. You will have an opportunity. Are you finished? The hon. member for Renfrew South.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, I was quite interested in the remarks of both the Leader of the Opposi-

tion and the reply by the minister. As a matter of fact, the reply was so complete that it may be I do not have to ask the questions at this time. But I was interested in the member for Brant's remarks with regard to the federal effort and the provincial effort with regard to sales missions and so forth.

I certainly could not agree with him because we know that Mr. Pepin is the Minister of Trade and Industry in Ottawa, and his personal travelling budget for 1969 or 1968, I am not positive, was someplace under \$10,000. Now there is the Federal Minister of Trade and Industry spending less than \$10,000 to promote Canada and Canadian goods.

Mr. Sargent: How is your vote down there?

Mr. Lewis: Trudeau beats him does he not?

Mr. Yakabuski: Just a moment. I would say—

Interjections by hon. members.

Mr. Yakabuski: —it is a very poor effort federally on the part of the Minister of Trade and Industry. We know damn well that if this is co-ordinated with Ottawa, Ontario would only get the crumbs. We have got to run our own show. We would get the crumbs just as we do when it comes to anything else on the Canadian scene.

Mr. Lewis: It depends on the minister who is walking out—

Mr. Yakabuski: The minister can walk out, but I am getting my point across.

I think you are all wet there. I think what the department is doing here, and what we are doing as a province is tremendous and it has been paying off. It has been paying off. It has been going on since 1948 when we brought the first trades people in from England and the growing, swelling effort has made the province what it is today. And to co-ordinate with Ottawa, I think this is completely out. They would not give us a shoulder. There is no question about it. They would shove the steps some place else. Therefore, we have to have our finger in the pie and in it very very deep.

Now, I thought the minister—

Mr. Sargent: Could he not shove it someplace else?

Mr. Yakabuski: Now I thought the minister covered the Brantford scene to a degree

when he mentioned that the wheat surplus in the west certainly is having an effect on the town of Brantford, which unfortunately, in the past, sort of put all its eggs in one basket in that the farm machinery industry, especially in eastern Canada, was mostly concentrated there and in Cornwall.

I could not help but remark Cornwall. I come from eastern Ontario, I am very close to the press in eastern Ontario, the Ottawa papers. I cover the Cornwall scene regularly and have a continuing interest in it. And I can say this: I do not think there is a town, not only in Ontario, but in all of Canada, which has already received the attention from government, whether it be county, whether it be the province or the federal. There is no town in Canada which has received the attention because of the problem that exists—

Mr. MacDonald: You do not suggest that this does not need attention, though?

Mr. Yakabuski: No, you may be right to a degree.

We know that tariffs do play a part in it. We know that transportation may be a factor that has not been completely resolved as yet, but we know there is something else that nobody has really put their finger on and if they have put their finger on it, they have not been telling.

I think there is a local ailment in Cornwall. I think there is something locally there that has been a bug in this town progressing as it should. I do not know what it is. Whether it is attitudes or what it is, because I know—

Mr. Peacock: Oh, for heaven's sake!

Mr. Yakabuski: —that we can attract industry, away up into the Ottawa Valley, to Arnprior, and Renfrew which are more distant, do not have a four-lane highway to the centre of consumer needs.

Mr. Nixon: You do not even have a good two-lane road.

Mr. Yakabuski: We can attract industry up there, not perhaps all we want of it, but we are increasingly happy on what is happening there and here is a town that is finding an awful lot of difficulties. I will say that no town has got the attention. There is something else and I hope somebody can put his finger on the problem.

Mr. E. A. Winkler (Grey South): Sure, there was a transport minister at one time and

my friend Paul had diverted the St. Lawrence Seaway in such a way that business can only flourish on the American side. There is no way that Cornwall can flourish, no matter what we say, as a result of that.

Mr. Yakabuski: That is right—

Mr. Winkler: Well now, they had a rather important man representing them in the federal government who was a Minister of Transport himself. He did not look after his people.

Mr. Chairman: Order please!

Mr. Winkler: Now I happen to be where I want to be. If you cannot, you can stay home.

Mr. Chairman: The member for Renfrew South was speaking while the minister was out and I do not know whether Mr. Clarkson would like to say a word with regard to this effect.

Mr. Clarkson: I will take it back.

Hon. Mr. Randall: The interrogation should not be any longer than the weakest kidney.

Mr. Yakabuski: Mr. Chairman, I feel that there is some other factor there that nobody can put his finger on.

An hon. member: You can go down there on Friday and take a blood test.

Mr. Chairman: The member for Scarborough West.

Mr. Lewis: I am just going to move a little further away from the minister so that we can have our contretemps accordingly.

Let me pick up on some of the comments you were making, Mr. Minister. Why do you not feel that it is possible, given your concern for the industrial situation in Ontario at the moment, to require some advance notice by way of major shutdowns, layoffs or dislocation?

Hon. Mr. Randall: I did not say we can require advance notice. I just said that if they would come to us and tell us that they were going to close down their plants, then we could do something about—we could do something towards helping them, perhaps find new product lines for them or take them and see if we could expand their present lines.

I think this is what is required in the long run if we are going to have any kind of manufacturing industry with stability in it, and on the other hand if what happened in

the last two rounds of the Kennedy rounds overnight, and said he is going to make the last budget, where Mr. Benson removed manufacturers more competitive and so now our competitors have a 2.5 per cent advantage over us on such things as rubber and textiles and has completely removed—these are the kind of things that I do not think any provincial government can cope with. I do not know how you can cope with those things when he advances budgets that automatically Canada has dropped all the Kennedy rounds. Now the markets we are going into, they are still maintained. Those are going to be negotiated. I do not think we can afford to be good guys today—20,000,000 people in a market that we are trying to serve; 800,000,000 people between South America and Europe. I do not see how 20,000,000 people can afford to be the good guy every day in the week. And we keep dropping our tariffs, making it easy for these fellows to sell their goods here and we cannot do the same thing back home. If they continue to do that, I can assure you that a lot more companies will bite the dust.

Mr. Lewis: All right, so you have ascertained, for whatever reason—whether it is the lowering of the tariff barrier or imports for whatever multi-national corporate reasons—that a great many more companies may bite the dust and you have indicated a displeasure with the—

Hon. Mr. Randall: Do not exclude the national companies, because I think they are making a contribution.

Mr. Lewis: You think they are making a contribution. Well, indeed they are making a contribution and they are making a contribution to unemployment which is unparalleled.

Hon. Mr. Randall: That is your opinion.

Mr. Lewis: We will discuss it a little—well look at your Cornwall experience. Your multi-national corporation to which you contributed a quarter of a million dollars by way of EIO loan, threw off 650 men permanently unemployed in the last three months of 1969.

Hon. Mr. Randall: That was one product line that they could not maintain because of imports; right. The product line that we financed is a new line taking on more people.

Mr. Lewis: What line? Have they taken on more than the 650 people they discarded?

Mr. Randall: No, they did not.

Mr. Lewis: You did it by way of two loans. Have you looked at the plant they are going to build in South Carolina?

Hon. Mr. Randall: No, I have not.

Mr. Lewis: To produce the kind of thing which for some reason they were not prepared to produce in Cornwall.

Hon. Mr. Randall: Well perhaps they could not produce it.

Mr. Lewis: Maybe they could not produce it, but is it not worth the government's knowing? In leaving aside Cornwall for a moment, is it not worth the government knowing in advance, when a major company intends to disinherit a large measure of the work force, why it intends to do it and when it intends to do it and for what reason? Do you not feel that you have that authority or that right as a government?

Hon. Mr. Randall: I would like to think we had the right. I do not think we have any authority to go in and demand to know these things, unless that company is prepared to sit down and talk to us about it. They may have other reasons for doing that.

Mr. Lewis: Yes, but I am not disputing the reasons. I am saying that there may be legitimate reasons.

I am admittedly, one of those who is given to the conspiracy theory. I think Dunlop closed down in Toronto because it is an excellent writeoff against certain multinational budget statements and it may well be profitable for Dunlop to close down in Toronto.

I think CGE closed down its Dufferin tube plant in Toronto because they are importing the same tubes from the United States—not Japanese imports, but from the United States. They find the Ontario work force expendable, so they are prepared to get rid of it for the sake of maintaining the parent corporation in the United States. I will never know precisely, because they will not say and you will not ask! And I think—

Hon. Mr. Randall: Did you also know that a plant in the States closed down the other day making 800,000 tubes a year?

Mr. Lewis: Which plant is this?

Hon. Mr. Randall: A plant in the States.

Mr. Lewis: Nowhere near the kind of volume that the Canadian General Electric is—

Hon. Mr. Randall: No, they were making 800,000 tubes, and they could not make them efficiently against imports, so they closed down.

Mr. Lewis: That may be right.

Hon. Mr. Randall: Well, General Electric is making 15,000 tubes a year.

Mr. Lewis: Well what you are saying to me is that General Electric phases out a plant here and a plant there but no one ever knows why it does so. I am saying to you that when it results in problems for from 200 to 500 people in the work force who are subsequently unemployed, then you as a government have a right to ask for advance notice.

I want to just push a little bit further, but gently.

Hon. Mr. Randall: Let me just say on the advance notice: Through another department, one of these days, perhaps the advance notice will be available. That solves my problem.

Mr. Lewis: All right then, you mean The Department of Labour.

Hon. Mr. Randall: Yes.

Mr. Lewis: The Department of Labour is going to introduce legislation requiring advance notice?

Hon. Mr. Randall: I do not know what it is going to introduce. I would say that before the next year is out there will be that kind of information available on the plants closing.

Mr. Lewis: You would say that. You would not make a competent prediction?

Hon. Mr. Randall: No. When that information is available then I will have advance information about the plant closing and we can immediately put our people in to see why it is closing.

Mr. Lewis: Precisely! You do not see that as an intrusion on the voluntary process, surely?

Hon. Mr. Randall: No, I do not think so. I think that if we walked in and said: "We want to help you," the manufacturers would be glad to get some help if there is any way we can help them or find another manufacturer to go in that plant.

Mr. Lewis: But in fact you will accept legislation which says you must give notice of intention to lay off or shut down?

Hon. Mr. Randall: I think that is the intention both federally and provincially one of these days.

Mr. Lewis: One of these days? You will not give us any hint of when it is going to be?

Hon. Mr. Randall: I do not know; it is not my department. I do not make government policy either.

Mr. Lewis: Oh, it is very much your department. Will you feel that it is useful to ask them for financial disclosure at the point at which the advance lay-off notice is given?

Hon. Mr. Randall: At the moment, no.

Mr. Lewis: You would not ask them for financial disclosure?

Hon. Mr. Randall: No. I think if they wanted that kind of help they would give it. If they wanted financial help from the government because they are in a situation where they are going to close down or carry on, if they are going to carry on and they need extra financial help to carry on because of certain conditions they do not have any control over, then I think we will get that information. But I do not think we, as a government, have a right to go in and demand that information.

Mr. Lewis: You do not think they should be able to justify why they are closing down? They should not have to tell you what it is that will result in 500—

Hon. Mr. Randall: Maybe under your government they would, but not under this government.

Mr. Lewis: So all that you are asking of them is an intention of notice to vacate or to close down?

Hon. Mr. Randall: Yes.

Mr. Lewis: But you will ask them to give no justification for their actions? You will ask them to give no evidence of imports undermining their position?

Hon. Mr. Randall: Yes, I think I will get the information that you are talking about, the matter of imports. That will certainly come out in the close-down, because if they are losing money and they are going to close

down, you will not have to ask them if they are losing money. They will tell you they are losing money and it will be in their balance sheet.

Mr. Lewis: Yes, but can they give you—the balance sheet—did you see the balance sheet of Dunlop in detail?

Hon. Mr. Randall: No, I did not.

Mr. Lewis: You did not?

Hon. Mr. Randall: But you know Dunlop are extending their plant down here in Ajax and adding more people down there.

Mr. Lewis: But you never saw the balance sheet of Dunlop? As the Minister of Trade and Development, responsible for industrial development in Ontario, they never condescended to show you, the minister, the financial statement on which they based their shutdown?

Hon. Mr. Randall: That is right.

Mr. Lewis: Okay. Well then, I say to you—

Hon. Mr. Randall: I can get their balance sheet when it comes out at the end of the year.

Mr. Lewis: You can get their consolidated balance sheet which will show what the United Kingdom parent company reflects. It will not give you the kind of detail you need to make a Canadian decision.

Hon. Mr. Randall: I do not know whether they show their Canadian corporations separately.

Mr. Lewis: You have never been uncomfortable in making decisions based on parents located in the United States or Canada, but it is useful to know the Canadian financial statistics.

You do not have access to that? It is even more ludicrous, therefore, for you to suggest that Dunlop, or any other major multi-national corporation, would make this a subject of collective bargaining with the unions. They will not touch it. They will not allow the union to be privy to one jot of information which involves any of these financial aspects let alone plant management, productivity, and all things that are implied by industrial democracy. In this province, what of that is available to a union faced with a powerful corporation? If they will not even give the minister the financial statement, they are not waiting to give the union anything.

I think that is profoundly reprehensible. It means that you are prepared to let multinational corporations play havoc with Ontario's economy and you are not prepared to lay down laws in reference to the ways in which they behave. You talked generally a couple of years ago in the House about good corporate citizenship. I think those are the terms that you used. Do you think Dunlop engaged in good corporate citizenship in the way in which it behaved? Or is CGE engaging in good corporate citizenship? Are you as minister satisfied with the behaviour of these corporations?

Hon. Mr. Randall: No. I am not satisfied when I see a company close down. I think there are certain things you can do under our kind of government that are not acceptable to your kind of government and this is not a socialist society as yet. Let us make it very clear, I am not a socialist, despite the fact that I was included as one this afternoon.

Mr. Lewis: Well you have certain twitches—

Hon. Mr. Randall: I said that I think there are certain things you can do in an industry and certain things you cannot do and I am not in a position at the present time to say yes to you, that I would be the one demanding all this information; for a company to throw its books open and let us find out what it is doing—

Mr. Lewis: But you cannot fulfill the objectives?

Hon. Mr. Randall: Oh, I do not know. I do not agree with you. I think when they come forward with a layoff—as to how many people they are going to lay off, when they are going to lay them off—then I think we will have an opportunity, when it is three, four or five months away, to go in and see what we can do.

Mr. Lewis: What is three, four or five months? They said May 1 and they announced it on March 6. That is—

Hon. Mr. Randall: I am talking about new legislation, federally and provincially.

Mr. Lewis: That is purely a matter of re-training. These corporations that are presently in the process of closing down—involved in major layoffs—many of them receive grants by way of EIO loans.

Hon. Mr. Randall: Oh no. That is not necessarily so. I mean, listen, in six years anything can happen. Industries can double

their size; they can close down. We cannot stop them. We have not got a crystal ball; you do not have a crystal ball.

Mr. Lewis: No, of course not, but I would just like to know the information in advance.

Hon. Mr. Randall: I know you would, so would I. If I could read tomorrow's newspaper in advance I would go out on the stock market.

Mr. Lewis: You have moments of enlightenment which we choose to call "socialist" but for the major part—

Hon. Mr. Randall: Do not take it too seriously.

Mr. Lewis: Right, right! For the major part, there is no enlightenment. We are saying to you within the free enterprise system, within your capitalist system for which you express devotion and adoration, unless the system is to come crashing down around you even in recessionary terms, you are going to have to, as a good capitalist, demand that your multinational friends give you advance notice, open their books, justify what they are doing, and do it all in public terms or you are not going to have any economy to manage. Your unemployment problem will grow and your capacity to control it will diminish.

Hon. Mr. Randall: I could not agree with that.

Mr. Lewis: That is within your own system. You yourself have expressed a concern this afternoon, the last couple of hours, over what is happening in Ontario—

Hon. Mr. Randall: I just suggested this afternoon that people like yourself better recognise that there has to be a profitable business, or the business is not going to be there. You know that all your questions, from your side of the House, is to remove the buck—

Interjections by hon. members.

Hon. Mr. Randall: —you want to remove all the profit out of free enterprise and you expect it to operate—

Mr. Lewis: Do not exaggerate, a modest profit.

Hon. Mr. Randall: The minute we got to that point, you would not put—what is a modest profit now?

Mr. Lewis: Well a decent profit—

Hon. Mr. Randall: Come on, tell me, what is a modest profit? What are you modest about? Give me a modest profit?

Mr. Lewis: I do not know. I would ask for the information and I would make my judgement.

Hon. Mr. Randall: No, no. There must be a rate of return, no matter whether you put in 100,000 or 100,000,000. What is a good return on your investment?

Mr. Lewis: That would vary with the industry.

Hon. Mr. Randall: No, no. It should not vary.

Mr. Lewis: It certainly will.

Hon. Mr. Randall: It should not vary. No, no.

Mr. Lewis: You mean there is an absolute profit margin that applies to every industry?

Hon. Mr. Randall: There should be the line at which your company arrives at the profit; a fair one. Otherwise it cannot produce new products, be a good employer, it cannot bargain with unions. If you see that company increases a loan with union bargaining and they have not got the bucks and they are lousy employers, they are in trouble all the time, always fighting with the management, because the return is not good. And you never hear the union say they are entitled to a good return. Union fellows say they are lousy managers. Maybe they are the best managers in the world but there is no profit in the item because—

Mr. Lewis: No, because you never ask.

Hon. Mr. Randall: Well we never know a lot of things, but I am just suggesting to you that there are two sides to the story.

Mr. Lewis: Of course!

Hon. Mr. Randall: There has to be a return on the investment.

Mr. Lewis: We accept that.

Hon. Mr. Randall: All right!

Mr. Chairman: Just one speaker at once please!

Hon. Mr. Randall: You say—let us go back to Westinghouse. 2.7.—is that an acceptable

profit return on an investment? You are an investor.

Mr. Lewis: Two point seven?

Hon. Mr. Randall: Would you loan \$100 at that?

Mr. Lewis: You loaned half a million dollars!

Hon. Mr. Randall: Never mind me, I am asking you.

Mr. Lewis: You know, unfortunately, some of us still occupy the opposition and the time for change has not yet come. But you are the minister. You loaned them one-half million dollars on a EIO loan, which is forgivable, straight from the pockets of the people of the province of Ontario. Therefore they have invested in Westinghouse at a 2.7 return. Why are you suggesting that the return is insufficient?

Hon. Mr. Randall: Did you know that they were employing 125 people up in Orangeville—

Mr. Lewis: And I know they dis-employed 135 when they moved their plant.

Hon. Mr. Randall: Oh, no. They did not.

Mr. Lewis: Oh, yes. They did.

Hon. Mr. Randall: They added people.

Mr. Lewis: Two people.

Hon. Mr. Randall: Oh no.

Mr. Lewis: For one-half million dollars?

Hon. Mr. Randall: They added two people in Brantford when they moved up there and they did not lay off anybody until they had major strikes.

Mr. Lewis: The Westinghouse money is a travesty. They moved to Orangeville because they wanted to pay lower wages.

Hon. Mr. Randall: No, they did not.

Mr. Lewis: They employed appreciably no greater number of people and you paid them one-half million dollars. Now you tell us that their return on their investment was so low that they are not really a marketable corporation.

Hon. Mr. Randall: I tell you that a return on an investment has to be more than 2.7 if the entire corporation wants to employ 4,000-5,000 people.

Mr. Lewis: Yes.

Hon. Mr. Randall: I do not know what the return on their investments at the Orangeville plant. They do not take out a separate balance sheet. Maybe they should.

Mr. Lewis: Maybe you should ask?

Hon. Mr. Randall: Well, I am just suggesting that is a viable enterprise and the one down in Brantford was doing all right with its exports to the United States until they had a strike; a four-month strike was it? Four or five months. And they lost \$3 million a month to the United States.

Mr. Lewis: But it is interesting you should say that you do not know whether it is a viable operation and you gave it half a million dollars.

Hon. Mr. Randall: Well, sure, I would give it to you if you went to Orangeville and you brought in your balance sheet and you are going to put your own money in. It does not make any difference—

Mr. Lewis: You mean if I turfed out a plant in Etobicoke—

Hon. Mr. Randall: No—

Mr. Lewis: —I moved to Orangeville—

Hon. Mr. Randall: —you do not turf out a plant at all, you—

Mr. Lewis: —that is what they did.

Hon. Mr. Randall: No, they did not.

Mr. Lewis: That is what they did.

Hon. Mr. Randall: They did not.

Mr. Lewis: They closed down in Etobicoke to move to Orangeville with the same number of people taking half a million dollars with them.

Hon. Mr. Randall: You are confusing the issue. Etobicoke was a different plant entirely.

Mr. Lewis: I do not think I am. It was part and parcel of the move.

Hon. Mr. Randall: It was black and white and you—

Mr. Lewis: Canada Wire and Cable, but we will come to that later.

Hon. Mr. Randall: You know very well that they are manufacturing in Etobicoke—

Mr. Chairman: I think we are getting a little off base.

Interjections by hon. members.

Mr. Lewis: Why do you not feel that you have the right to such information by law as a mandatory thing if you are going to grant major sums of money to corporations? If you are going to have any control over the economy at all, why do you not have the right to ask for financial disclosure and for economic plans on the part of these corporations?

Hon. Mr. Randall: At the moment, first of all, it is not government policy. This is government policy.

Mr. Yakabuski: Is it closed to the committee?

Mr. Sargent: No, no.

Hon. Mr. Randall: All right, I want to clear it. It is not government policy, and in the second place I think there will be sufficient information coming forward from the legislation I talked about a few minutes ago on layoffs. Now, if that is not sufficient we can take a second look at it, but I do not think that I have a right to walk into any plant and look at a man's books, any more than I can walk into your company right today—

Mr. Sargent: The income tax—

Hon. Mr. Randall: Wait a minute—walk into your company today and say I want to see your books, whether your plant is making money—

Mr. Lewis: I have no company—

Hon. Mr. Randall: Oh, well, listen—

Mr. Lewis: —and I am not involved in any—

Hon. Mr. Randall: Do not kid; the truth—

Mr. Lewis: —and as a matter of fact, when it comes to—just by way of a sidelight—when it comes to corporations in this province that are responsible under The Child Welfare Act or The Children's Institutions Act or The Mental Health Treatment Centres Act, they are all directly accountable and your government is now exercising authority over them all. If you require that in the service sector, services to people; you can also require it in the industrial sector where it would have a pretty dramatic effect in controlling the dislocations in this economy.

Hon. Mr. Randall: Maybe the time will come when that will happen, but right now is not the time—

Mr. Lewis: Then you really do allow this to run amuck.

You are ready to allow them to run wild?

Hon. Mr. Randall: Maybe that is your opinion.

Mr. Lewis: You are a doormat for them. I do not think you should be; you have more self-respect than that.

Hon. Mr. Randall: I disagree with you—

Mr. Lewis: Well, they phone you up on the day or the morning of the layoff and they say: "Stan, we are laying off 597 people". And you say: "What a pity; I would have liked to know in advance".

Hon. Mr. Randall: I read it in the press—

Mr. Lewis: You read it in the *Globe and Mail*. Well, you know what that makes you —makes of you as a Minister? It makes you a charlatan!

I do not mean it in personal terms, but it makes of you an expendable commodity. They pay no more attention to you than they would to their work force. They regard the government of Ontario as a laughable, joke.

They see no consequence in you at all. They see no stature in you; they see no prestige in you; they see no power in you. They play games with you. They violate you.

Hon. Mr. Randall: Listen, my friend, let me take you back a few years to Saskatchewan and do not brush Saskatchewan off.

Mr. Lewis: Now here—

Hon. Mr. Randall: Listen, your party—

Interjections by hon. members.

Hon. Mr. Randall: —your party went out in Saskatchewan and nationalized every industry and they all went down the drain.

An hon. member: Cut the nonsense!

Hon. Mr. Randall: They all went down the drain.

Interjections by hon. members.

Hon. Mr. Randall: The very things you are promoting here sent them down the drain.

Mr. Lewis: There were 13. All right, Mr. Chairman. By great good fortune, I worked—

Hon. Mr. Randall: Down the drain—

Mr. Lewis: —for the Saskatchewan planning board in the middle 1950s when all of these corporations were involved —Saskatchewan Government Telephones and Saskatchewan Power Corporation and the liquor control board and the potash development and many more manufacturing industries. The government reversed its economy and I am going to tie it in with what I want to say, Mr. Chairman, on this motion. The government reversed an economy that was a one-crop economy, weighted in favour of agriculture, 80 to 20, to an industrial-manufacturing economy weighted in favour of secondary manufacturing, 75: 25. They did it because they had the common sense to exercise some economic planning over secondary development—

Hon. Mr. Randall: Why did they go broke?

Mr. Lewis: —whether by crown corporation or anything else.

They did not go broke.

Hon. Mr. Randall: Sure they did.

Mr. Lewis: Ross Thatcher leaped in with pleasure to inherit all the things that had been created for him.

An hon. member: That is nonsense!

Hon. Mr. Randall: They closed up one company after another—

Mr. Lewis: They closed a box factory and they closed a shoe factory, and you people make an inflated case of it.

Mr. Chairman: Let us get on with the vote. We have talked enough about Saskatchewan. Let us talk about industrial development. Okay?

Mr. Lewis: Now that you have called the minister to order, I am saying we on our side of the House feel some remorse for the minister being treated as an object that is irrelevant.

Hon. Mr. Randall: Do not worry about it.

Mr. Lewis: You are not a lackey of the corporations—

Hon. Mr. Randall: Do not worry about me. I can look after myself.

Mr. Lewis: Well, you are a self-made man—

Mr. Chairman: That has nothing to do with the vote, either, as a matter of fact.

Mr. Lewis: I think it does, because we are paying \$3 million to subsidize the minister's policies and we have some small dispute with them. You are right, I concede, Mr. Chairman. We will come back to it at the EIO.

Mr. Chairman: We have the member for Grey-Bruce. Is there anything more you would like to contribute to this part of the vote, member for Grey-Bruce, or do you want to go on to marketing, which is a little broader subject? We have been on marketing this afternoon but—

Interjections by hon. members.

Mr. Chairman: Do you want to discuss marketing now?

Mr. Sargent: No, I just want to discuss this vote, 2202.

Mr. Chairman: Vote 2202? We are still on vote 2202, but just the second section of it, that is what I am going by—marketing. We have been discussing industrial development all over the place but let us discuss marketing—

Mr. Sargent: Are you taking a vote on each one?

Mr. Chairman: No, I will wait until it is final.

Mr. Sargent: What do you want now?

Mr. Chairman: Marketing.

Hon. Mr. Randall: Mr. Chairman, we have covered nearly all these votes in our discussions. I think you have got to be specific now and say what you want to discuss in general expenditures, marketing, increasing productivity and then we are finished with that.

Mr. Sargent: They are all the same; every one of them.

Mr. Chairman: If you want to discuss them all together, we can do that, but we started off to discuss them at one level—industrial development—and we started off with marketing and then increasing productivity. If you want to discuss them all generally and then have the vote, it is fine with me.

Mr. R. G. Hodgson (Victoria-Haliburton): Mr. Chairman, I ask for some guidance. I want to talk about this small business study that is being made with regard to whether it is or is not looking into the possibility of saving the small independent operator some

time in looking after the government requirements.

For instance, this has been brought to my attention just recently because of clearing out some offices that went back over 60 years. The accumulation of bookkeeping requirements for the first 20 years I could carry under my arm. The next 20 years would take about two half-ton trucks to carry away. In the last 20 years, it would take three-ton trucks to take away the government requirements.

This has brought right home to me the sum of the cost that has been added to industry and promotion of industrial development in this nation of ours by social aid programmes that are requiring such very large payroll deduction columns.

For instance, unemployment insurance has one basis for deductions; workmen's compensation has another; Canada Pension has another system; income tax deductions have another system; union dues have another system; employed pension plans have another on a percentage basis sort of thing; health insurance has another column. On top of all that, we have sales tax and all these other government regulations. It seems too that a small business independent operator today spends two or three hours of his time in bookkeeping for government requirements, and DBS forms and all this sort of thing. If we really want to assist the small businessman in this province of ours, it seems to me that some government departments could see if it would be possible to put all these deductions on the same sort of basis—and have some sooner—and simplified forms than an operator could follow. The other thing that has a very good meaning in this is the fact that I believe we have many inspectors inspecting each one of these things and the requirement of going to post offices for unemployment insurance stamps and sending in books and all these sorts of things. There must be a much better way than the way we are doing it now in this country.

If you really wanted to assist the small independent operator, simplifying and co-ordinating these activities and putting them into some semblance of similar deduction forms would be a real assistance to a small operator, however and whatever he is doing; whether he is selling; whether he is manufacturing; or whether he is producing in any sort of way, I believe that this is one field that this department and its study on assistance to small independent operators could well take into consideration. I wonder if the minister might want to say anything about that?

Hon. Mr. Randall: I can just say this. It has been discussed on a number of occasions. Actually there were a number of meetings, I believe, when I had economics before it went to Treasury Board, with regard to the payroll deductions by small people. We announced here and we point out this afternoon that 80 per cent of the industries hire 50 people or fewer—and most of them 15—and you can understand the bookkeeping that has to be done. I think it is one of the situations where there is a great deal of time and energy spent looking after government reports, whether they be provincial or federal, by small businessmen. There is no compensation for him that I know of at the present time.

In fact, I know when we were in the appliance business, the retailers used to say the same thing; they are so damn busy collecting for the sales tax collector and everybody else that they have no time to look after their business. We have no plan afoot at the present time, but it is something we can take a look at. I do not know, maybe we can come up with an idea on the tourist industry. Perhaps we could come up with a programme.

Mr. R. G. Hodgson: It seems to me that perhaps a bookkeeping system could be devised as well. It would handle these things in a much more efficient way. The other feature that I think might be of advantage is that the federal and provincial authorities who require such deductions find some similar and simple form. For instance, workmen's compensation takes a percentage of the payroll, and income tax takes a percentage tax of the worker's earnings, which is of the payroll.

I know one of the things that I detested greatly was the fact that I had to, in essence, lick the stamps to put them on the book, when there must have been a much better way that I could have done the same thing and contributed for the employee. There are many of these things, I think, that should have a much better basis that would not take so much time. For instance, if you could release one hour a day for the independent operator in this province to devote to increasing his productivity through increasing, perhaps, his financial stability and for production and so on. You would ultimately improve that employer and that operator greatly, and his employees would benefit.

I mean, I realize that you might in some way cut off an hour or two from an auditor or something of this nature if it got that simplified. I think, overall, it is the inspectors. We have inspectors almost daily and he has

to see the books, and that takes time. If it is around the plant, he has to go with the inspector. If it is for bookkeeping, and if the small operator is the bookkeeper in the firm, he has to spend the time with the inspector.

All these things take the time of the small independent operator and I think they contribute greatly to the cost of production of this country, and our competitive position for small businessmen in this nation. I think that is quite vital and I think there is certainly something that your department could do here. Take a look at it.

Mr. Sargent: Mr. Chairman—

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: I am on this vote—you are on marketing now are you?

Mr. Chairman: Yes, we are right on marketing.

Mr. Sargent: Very briefly, I have a couple of observations, but before I start I think that the member for Victoria-Haliburton has got a positive programme that once and for all this department could operate or trade on in a positive way. Businessmen are trades people and this is a real positive idea. If you would give your department a target and, say, have that programme in a year, of course, you would be doing something for all the businessmen in Ontario. It needs to be done.

Anyway, I was going to ask you, Mr. Minister, in the terms of reference of this department you say that your job is to locate businesses across the world and to locate them in suitable areas. Have you ever located a business in Ontario from abroad or from the United States without checking out with the trade or the rest of the industry, whether that would be a disadvantage to them.

Hon. Mr. Randall: Yes, I think it—

Mr. Sargent: How do you get around that?

Hon. Mr. Randall: If we go out after them we check them. Of the industries we brought in last year, I think 85 of them were local and the balance were not. Of the 159, half were Canadian companies and the other half were brought in.

Mr. Sargent: All right. Supposing I am a candlestick maker, and you are bringing in one from Germany that is going to knock the hell out of my business, what happens? Do you ask me first?

Mr. Radford: No. sir.

Mr. Sargent: Well, you should. I am a citizen of this country, I pay taxes and rates for protection. That is what tariffs are for. Are you going to spend my money to go and get a guy who is going to put me out of business? I do not like that.

Mr. Radford: In the case of the EIO programme, which we are not on now, it is a different matter. I am talking about—

Mr. Sargent: I am talking about locating industry.

Mr. Radford: —going out and finding an industry and bringing it back here—

Mr. Sargent: Yes sir.

Mr. Radford: We do not go out, for instance, to another glass company when we helped locate Pittsburgh in Owen Sound and say, "Do you think it is going to be beneficial for you to go to Owen Sound?" We did not do it that way.

Mr. Sargent: You did not locate Pittsburgh in Owen Sound. That was the federal government.

Mr. Radford: I will assure you, sir, I was in on the ground floor.

Mr. Sargent: I was the fellow that got Owen Sound de-designated, too, so do not worry about it. I know the story. Let us not be political.

Interjections by hon members.

Mr. Sargent: Mr. Chairman, that is not relevant, because Pittsburgh is a new process across the world. There is no competition for it. I am talking about competition.

Mr. Radford: We do not go and notify other industry in the province when a company comes to us and says it is looking at the possibility of opening a plant.

Mr. Sargent: Most respectfully, Mr. Chairman, I think this is completely unfair. If you take my tax dollars and the small manufacturer's, to go abroad and get a man who is going to come in and work to my disadvantage, is unfair.

Mr. York: May I say something for a moment? When an industry makes it known that it is interested, we try to indicate to that industry the various conditions which prevail in the market place. We try to assist them to appraise their own market. Wherever possible we do try not to fragment the mar-

kets which exist. In many cases, I have done this personally. I have advised electrical companies from the U.K. not to come into Ontario because their position would not be a healthy one. We have substantiated that with DBS statistics and with our own studies. In many cases, they do not choose to take the advice, because—

Mr. Sargent: How do you relate this? My old buddy over here says you do not do it, so what happens? He does not know your plan. Why do you not get together?

Hon. Mr. Randall: He answered your question.

Mr. York: We attempt to put all the facts in front of the industry. They, perforce, must make their own decision. When a cigarette company came in many, many years ago, if I may use an example, we proved to them conclusively that we did not require another cigarette company in Ontario. But they said, "Fine, thank you for this, but we are not interested. We are coming in here, regardless of present competition." Competition at that time was paying 10 cents per thousand cigarettes on advertising, and these chaps stepped this up to 22.5. They came in, and in three years they became the number one maker here. So, what right, sir, can we have to tell these people, "You cannot come in because you will hurt competition." I think that decision remains firmly with the company. They themselves must, perforce, make any decision after the facts are made known to them.

Mr. Sargent: So the tariffs will come after they are here. You get the tax dollars first; that is your position. You do not protect the ones that are here.

Hon. Mr. Randall: I can give you another example. The other day, a big company that manufactures turbines came to me wanting to manufacture turbines in Canada. I said that we have capacity here now and two plants are not being used at the present time and if you come in, you will fragment the market—I do not think you will make a dime. You will not get any money out of your investment and you will upset it for the other two companies, and they said: "Well, thanks very much, that is the information we wanted."

Now, it would have been very easy for me to twist their wrists and paint a glowing picture and say the Hydro is going to give you all the turbine business if you come in here and I will help you get it, but we had to

be honest to these people and say to them: "We think that the two people here now would do an adequate job along with import competition that we get periodically from around the world, but the two companies we have here now employing "x" number of people are adequate to take care of the turbine business and you are better off to put your investment somewhere else."

Mr. Lewis: One company, the American subsidiary, is in the process of closing down.

Mr. Sargent: Mr. Chairman, in closing this section I would like to ask the minister—

Mr. Chairman: The member for Grey-Bruce has the floor.

Mr. Sargent: —does the federal government give forgiveness loans?

Hon. Mr. Randall: Does the federal government, what?

Mr. Sargent: Does the federal government give forgiveness loans to American—

Mr. Chairman: By the way, we are not on forgiveness loans.

Mr. Sargent: But I am getting—I am on this vote.

Mr. Chairman: Forgiveness loans does not come under this vote at all.

Mr. Sargent: I am not talking about—I am not getting to the point here.

Hon. Mr. Randall: Yes, the federal government will give a loan to any company coming into Canada.

Mr. Sargent: Forgiveness loans?

Hon. Mr. Randall: Yes.

Mr. Sargent: American corporations?

Hon. Mr. Randall: Yes. They run—

Interjections by hon. members.

Hon. Mr. Randall: —they run up to \$12 million in grants. If they get an industry to go in the area where they want it to go, in a special area.

Mr. Sargent: In plant location of American firms into Ontario—

Hon. Mr. Randall: It is a straight grant.

Mr. Sargent: The federal government does give forgiveness loans to American corporations, along with you?

Hon. Mr. Randall: Sure, they give it to any company.

Mr. Sargent: So they are getting forgiveness loans federally and provincially!

Hon. Mr. Randall: No, no, no! The federal loans have gone into areas, outside of Ontario primarily, I think they made something like \$30 or \$40 million of the loans last year, Ontario got \$1.4 million. Where the federal government gives a loan, if it does not equal what they would get from us, we will make up the difference; but we will not give them two loans. They do not get two loans.

Mr. Sargent: I would like to ask you this, Mr. Minister: In the location of an American plant into Ontario, do you not think that you should put on restrictions insofar as ownership being within the province; a percentage of that should be owned by the people of Ontario?

Hon. Mr. Randall: No, that is not government policy as yet. We would certainly like to see more Canadian ownership, more Canadian investment in these companies, and that is why we are working on license agreements and joint ventures. But certainly, we do not have a policy here where we insist they sell 51 per cent to the Canadians.

Mr. Sargent: Finally then, what percentage of Ontario manufacturing is owned by American capital?

Hon. Mr. Randall: Oh, I could not tell you offhand. If you want me to make a guess, I would say about 50 per cent. You have it there? 56 per cent.

Mr. Sargent: And finally, most other jurisdictions see fit, like Mexico and other countries across the world and emerging countries, to control ownership of the company investing in that economy. Your policy now is—

Hon. Mr. Randall: You would have to be a little more specific. What countries? I think Australia does and Japan, but I do not know of any others. The U.K. does not and the United States does not. France does not. I do not think Belgium and Holland do it.

Mr. Chairman: The hon. member for Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): Mr. Chairman, I am interested in knowing what co-ordination of efforts there might be between this particular branch and its federal counterpart? I recall, last year, visiting one

of the major paper firms in Hamilton. They print waxpapers and the like, for the Canadian market and also for export. One of the officials did mention to me the fact that he felt that there was some duplication.

Mr. Chairman: I might just point out to you that this was discussed this afternoon for about an hour. The minister could probably make some comments on it if he cares to.

Hon. Mr. Randall: You mean the co-ordination between the federal government and ourselves? We have a very close co-ordination, not only here in Canada, but we have offices all over the world. We work with the federal authorities. We never go into an area without clearing it with the Ottawa authorities first. They, in turn, have us clear it with the offices where we are visiting. For instance, if we are going into the Far East and visiting countries, they are waiting at the plane. We get off the plane and they take charge and, along

with our man who is leading the mission, we co-ordinate all our activities with the federal authorities. I do not think we would be as successful as we are if we did not co-ordinate those activities.

Vote 2202 agreed to.

On vote 2203:

Mr. Chairman: I guess there is a vote in the House. I might say that if we adjourn now, we do not come back until 8:30 o'clock. The House does not sit until 8:30 tonight so we will not sit until 8:30. The hon. member is first on the agenda.

Hon. Mr. Randall: Could we work until 11 o'clock?

Mr. Chairman: 10:30 is our time of adjournment.

The committee took recess.

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STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, May 19, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

TUESDAY, MAY 19, 1970

The committee resumed at 8:30 o'clock p.m.

ESTIMATES, DEPARTMENT OF TRADE
AND DEVELOPMENT
(continued)

On vote 2203:

Mr. Chairman: We will ask the hon. member for Wentworth.

We are on vote 2203.

Mr. I. Deans (Wentworth): Do I speak to an empty house again? Every time I get up to speak there is no one here.

An hon. member: Those of us who are here are not empty, though.

Mr. Deans: Well now, that is a different answer. After a parliamentary dinner I do not feel like speaking.

I want to speak to you about your immigration policy. I want to direct my remarks particularly to advertisements that appeared in the British press, with regard to hiring of people, qualified though they may have been, or ought to have been, for employment in the Hamilton area. I suspect, though I have not been able to find indications of it because of the distance, that the practice is followed in a number of areas and not only Hamilton is involved.

I do not think that the province of Ontario should be involved in providing either facilities or anything else for employers at this time to hire people from out of this country to fill jobs within Ontario. I am convinced that as we face the unemployment that we are at present faced with, that we would have been better off to have spent the money that we spent in these undertakings in encouraging employers to train the people that are at present employed, than we would be in encouraging them or providing any facilities for them to seek people from other countries to come here and obviously take jobs that could be filled, I suspect, by people who are here already.

Now it may well be that there are times when having this kind of a policy which encourages immigration to Canada, and particularly to Ontario, is a very useful and in fact necessary part of the growth of the province.

I think in the last year, but in the last few months in particular, unemployment has grown to the point where we have got to become very concerned about it. We cannot afford to bring one other individual into the province if there is someone here who either has the qualifications or can be trained to fill the position. It is toward this end that I want to talk with the minister.

I raised it in the House. I am very reluctant at this point to accept any kind of an argument, but I say to the minister that I am interested in hearing from him exactly why he feels it is good policy for the Conservative government of Ontario to encourage—and that is what is being done—people from abroad to come to Ontario to seek employment, whether specialized or otherwise, at a time when this province has reached a point in the unemployment figures unparalleled in the last 10 years.

In the city of Hamilton there are reported to be something close—not in the city, but in the city and surrounding area—reported to be something in the order of 20,000 people unemployed, many of them in the steel industry, and many unskilled. I am positive that employers seeking employees can find them either in the ranks of the unemployed, if they are prepared to spend just a little time training them, or can find them in the ranks of those students who are graduating from universities in the province of Ontario, if they are prepared to spend a little time and a little money training them.

I do not see how at this time it can be justified that this province would spend any money at all in selective—or otherwise—immigration into the province of Ontario.

Before I continue I would like to ask the minister if he would like to comment on how you arrive at the decisions to be part of this kind of programme?

Hon. S. J. Randall (Minister of Trade and Development): First of all let me say this: This government, as far back as 1946 when George Drew had the airlift over from Great Britain bringing all types of immigrants over here, skilled and otherwise, has always had an immigration programme. This is where

we got most of the people who are here today—people like yourself who are making a contribution.

The situation you talk about at the moment has just occurred in the last two or three months, and we just do not turn the key in the door and stop people whose visas have been okayed, whose applications have been accepted, who have been negotiating for jobs with the Canadian embassy over the last year.

If this condition continues, and I am inclined to believe it is going to continue, perhaps toward the end of the year, unless Mr. Trudeau changes his mind, obviously there are people here; we should not only be looking at our own people, but we should be looking at those who perhaps we could change for occupations that are available.

Our whole programme has been based on selective immigration. I notice you chose the word very carefully, saying selective or otherwise.

Mr. Deans: Yes, yes.

Hon. Mr. Randall: But let me point out, and let me give you an example. I do not think you were here a year or so ago when we tried to bring in 250 miners from southern Italy to work in the mines up north when they needed 6,000 men. Ottawa said that we cannot bring them in because they have only got Grade 4 or 5 education. I said: "What have they got to have?" They said Grade 10. I said: "If a guy had Grade 10 why would he go down a mine shaft?"

Now our people will not go down a mine shaft. If you have a son or a daughter and you are a miner, the chances are you want those kids to have a better job in life than what you had. You do not want them down the mine shaft. You want them to be a doctor, a dentist, a nurse, or a professional person, or a school teacher. If these people are not replaced, and we do not bring in a certain amount of these, let us say, **un-sponsored** people, which the federal government look after, who will take on these jobs?

We have nothing to do with **un-sponsored** people; the federal government brings in the **un-sponsored** people. If they arrive here, some of those are the kind of people that we need for the jobs that, perhaps, your son or daughter does not want to participate in.

Our entire programme has been based on bringing into this province those who have a profession and some of those with capital. I had a figure a year or two ago in which the immigrants coming to Canada had started something like 13,000 industries in this coun-

try over the last number of years. I cannot tell you how many years, but we could dig that figure up one of these days and brush it up and see how many immigrants had started new businesses and given employment to Canadians.

I do not think you can get away from the fact that one selected immigrant with talent, whether he be an architect, an engineer, or a professional man, comes in here and takes the job of somebody else. What he does as a rule, when he comes in here, he creates jobs for those that are not talented.

Let me just joint out that we can take a hard and fast rule and say we will just let the federal government decide who is going to come in. I can assure you the federal government are not going to shut off their immigration programme because of the situation we face at the present time. They are going to bring in **un-sponsored** immigration, or **sponsored** immigration, which means that we would wind up with most of the people who will be taking the job that maybe people walking the streets would take.

Our programme is designed to, let us say, combat that—not combat it, but offset it—and I do not think we should at this time cut off our programme of bringing selected immigrants for two reasons. First of all, I think they create jobs for those that are walking the streets. Our history is rich with new people who have come here and started businesses and been very successful. That is the reason why we continue with our programme. When we get a call from a manufacturer to find talented people for him, certainly he would take them if they are available in Canada, or here in Ontario.

Mr. Deans: What I would like to discuss with you, is: Is there any co-ordination between your department and The Department of Labour in terms of the apprenticeship programmes that are available?

It seems to me, as I recall the ad—and I do not have it with me—as I recall the ad, it was for something like machine tool operators of some kind. It was not a skill that could not be taught to an average individual with a little time and a little money.

We were not talking about bringing in doctors, or bringing in architects, or bringing in engineers. Even more, I might say to you that the educational system in Ontario is now beginning to feel the effects of the immigration of architects and engineers into the province. We are now facing some real difficulties in finding employment for university graduates and suitable employment in the fields

that they want to go into, because of people having immigrated from abroad.

I want to make it clear, just so we understand what we were talking about, that having come here from Britain, I am reasonably familiar with the kind of advertising that goes on in Britain regarding the opportunities for employment in Canada. And Canada to the British people, is primarily the province of Ontario. They invariably end up in Toronto and from there they fan out to other parts. There is a certain amount of unreal feeling about the manner in which the opportunities in Canada and Ontario are advertised in the British Commonwealth and in Britain in particular.

We are not talking about bringing in doctors; we could stand a lot more and still not have a glut. We are really not talking too much about some of the higher-income professions, but some of the average, the middle, professions—the working trades.

We are bringing people in regularly, and we are assisting, by virtue of providing this kind of selective immigration.

What concerns me is whether or not there is any co-ordination between the selective immigration policy of The Department of Trade and Development and the apprenticeship programmes of The Department of Labour and the retraining programmes that are undertaken by Canada Manpower.

I have gone to Canada Manpower, if I can use as an example, and I have seen the kinds of things that are offered to the unemployed, and, quite frankly, it is atrocious. The opportunities for employment in the fields where retraining is available is ridiculous.

It seems to me that we should, first of all, be speaking to the manufacturer and finding out from him what kinds of positions are available, or likely to be available, in his plant or his operation. We can say to him then: "Look, you do not have to go to Britain or someplace else. We will assist you with the money that we previously used to bring people out here and to encourage people to come here. We will assist you with that money to assist people who are presently here, to fill those positions."

It makes no difference to me who does the work, and it makes no difference whether he comes from abroad or not, if we have got a lot of work. But it makes a difference when I look around me and I see men who have a basic education, sufficient to qualify them to be retrained, or trained in a skill, not being given the opportunity because we are filling those jobs with people from abroad.

We have got a history, in the manufacturing operations of this province—they would rather spend a few dollars and bring someone in who is already trained than spend a few dollars and train someone. For some reason or other, we have never been able to develop in the province of Ontario the kind of apprenticeship programme that encourages people to become skilled. We are going away from that, rather than toward it.

We have gone now to the point where they will hire a person, train him for a week or two, and they will stick him on the machine and he will push the right button—and it works. And for some reason or other we never train people in the basic fundamentals of doing a proper job.

This is part of this whole immigration thing; it cannot be separated from The Department of Labour. In fact, I might say, I suspect that this selective immigration ought to be a part of The Department of Labour, rather than a part of The Department of Trade and Development. I think that they would surely be better able to assess the workforce, the kind of job opportunities that are available, the kind of retraining that, if it is not being done, should be done.

In that way, we would be better able to understand how we can provide employment for people who are presently unemployed.

I do not know what to say to the people of the area that I represent, when they can pick up a newspaper, or when they can listen on the radio and hear about people being encouraged to come to Canada, to come to Ontario and, particularly, to Hamilton to work, while they are walking around the streets trying to find a job. As you say, you cannot just turn it off. Well, maybe you cannot turn down—

Mr. W. Hodgson (York North): What are you talking about, a job or work? They cannot find work or a job? There is a difference.

Mr. Deans: There may be a difference; I concede to you there may be a difference.

Mr. E. Sargent (Grey-Bruce): How would you know?

Mr. Deans: But that is really—the interjection is irrelevant.

The point is that no one is talking about rejecting someone who has already qualified and has already gone through all the processes. I am talking now about providing

facilities at government expense, which is an expense of the people—those who are unemployed in addition to those who are employed—to bring people in, to encourage them to come to Ontario when there is nothing here for the people who can presently fill the job. I would strongly urge the minister to go before his colleagues and move this section of his estimates out of Trade and Development into Labour—it is difficult; you are overlapping all the time—so that we can properly co-ordinate what is happening and so that we can understand it.

Mr. Sargent: It is a waste of \$300,000.

Mr. Deans: It may not be a waste, but I think that the \$300,000 could be better spent if it were spent in encouraging the training of Ontario people rather than bringing in people.

Hon. Mr. Randall: I will ask Mr. Clark, the expert on immigration to answer your question about training, before I make my comments.

Mr. A. S. Clark (Immigration Branch): I believe the basic question was did our programme co-ordinate with The Department of Labour. The answer to that is yes, to this extent, that we supply the apprenticeship grant to The Department of Labour with a monthly report of every company that makes an inquiry of us and the skills that they are inquiring about. Not merely those that asked us to participate in the programme, but also those who call us and inquire about the possibilities of the programme.

Mr. Deans: Could you give us any indication how many there are? Roughly.

Mr. Clark: There are 50 or 60 a month, I would think.

Mr. Deans: Fifty or 60 a month.

Mr. Clark: Fifty or 60 inquiries in each month, yes.

Mr. Deans: Could you give me an idea of what kinds of skills they are looking for?

Mr. Clark: Primarily professional or highly skilled technical people—engineers, draftsmen, and I would amplify that by saying draftsmen with particular experience. For example, in the year 1969, here is the way they ran by numbers and I will give you the whole thing: it starts off with teachers, then came engineers—

Mr. H. Peacock (Windsor West): This is ranked by numbers?

Mr. Clark: Ranked by numbers.

Mr. Peacock: Could you give us the numbers?

Mr. Clark: All right. Teachers, 434; engineers, 250; registered nurses, 110; machine tool operators and setters, 107. Do you want me to go on any further? Farm workers, 88—it goes on down from there.

Mr. Deans: Well, could we talk about it for a moment, because my experience—

Mr. Clark: These are actual people recruited.

Mr. Deans: Okay, fine, good. Those were people who were actually brought in.

My experience prior to my immediate job was in the engineering field and it strikes me that the two things that we do not need at this time, taking a look at the universities and the way in which they are turning out qualified people, are engineers and draftsmen.

Now I will tell you why I say this. We have more engineers driving automobiles in the province of Ontario selling whatever they may want to sell, than we have engineering. One of the prime requisites these days for a salesman in any kind of metal areas is that he has to be a professional engineer. You pick up the paper—every second salesman is an engineer. And one of the reasons, one of the obvious reasons, is because the engineers are perhaps not making as much money as they ought to, but the other is that we have far too many engineers. We have a great number of engineers being turned out of universities. The other in the teaching field—well, we need more teachers; there is no question about that. This is yet another year in which they tell me—the teachers' colleges tell me—that they are turning out more students than the boards of education can absorb, and it seems rather ridiculous that we should be going out of the province to hire people.

Mr. Clark: May I interject?

Mr. Deans: Please do.

Hon. Mr. Randall: Education Minister Davis brought that out last year. We are now catching up with a surplus of students who are coming out of the teachers' colleges because of the crash programmes we have had. And undoubtedly you are going to get more teachers here; you will not have to bring them in from abroad. But up to now they had to come from abroad if you wanted to fill your schools.

Mr. Deans: This is the problem, of course. Please, I do not want to interrupt you. If you want to just speak—

Mr. Clark: My interjection was going to be that while I gave the figure 434 teachers in 1969, my estimated figure for 1970 will be 24.

Mr. Deans: Yes, well, that is good. Let us take a look at machine tool operators. To turn out a machine tool operator is not the most difficult job in the world. It takes a certain skill, it requires a certain skill, but it is also the kind of skill that can be taught to a person of reasonable scholastic standing with a little time. You know, this is the one thing that manufacturing concerns are not prepared to do. They would, as I said to you in the House I think, much prefer to spend \$200 or \$300, or \$300 or \$400 trotting abroad—sending someone over to interview and bring a fully qualified person here—than they would to spend the equivalent amount of money and taking someone and training them. And I think what we have to do, if I might be fair, we have to insist in this province, if we are going to maintain employment at a reasonable level. But first the priority must be that we have got to make sure that there is no one here who can be trained. You know something, if you say that, you will never immigrate—you will never have anyone immigrate. There is never a time when you cannot find someone who can be trained to do the job, if you seek them out. I would think that you would agree with me.

Mr. Clark: I would say this, sir, in many cases, in these recruitment projects in Britain, the company is also recruiting locally and also has listings with Canada Manpower. In the particular case that we mention in Hamilton, this was very definitely so. They were advertising throughout Ontario; they had a standing listing—

Mr. Deans: Could you tell me what it was? I do not recall exactly what they were after?

Mr. Clark: These people—

Mr. Deans: A machine tool operator—

Mr. Clark: —machine—

Mr. Deans: I thought it was.

Mr. Clark: They had a standing order with Canada Manpower for advertising locally and they were also advertising in Britain—

Mr. Deans: Well, what—

Mr. Clark: I might add, sir, that the cost of their local advertising—they were taking fair-sized ads, display ads and “greater opportunities” double column, would run about \$100 per insertion. In Britain, as you know very well, in a national newspaper, this would be \$360 to \$450 to start with, let alone return economy fare for an interviewer \$450, another \$150—

Mr. Deans: Oh, I agree, I am not quarrelling. You see, the problem is I have no quarrel with you—

Mr. Clark: It cost them a lot of money in the initial stages to find this individual or those individuals.

Mr. Deans: But the unfortunate part is that somehow or another, they never got around to the real crux of the problem and the real problem has—

Mr. Sargent: Carried!

Mr. Deans: Thank you. The real problem—I appreciate your being there; it is nice to have you.

The major problem has nothing at all to do with whether it cost them more money in this respect. The major problem is that they do not have any programme to train people here to fill the job. This is why this department should not have this particular function. This job should be an on-going job of training apprentices so that these positions will be filled when they become available. Until we do that, we are always going to have people walking the streets. You cannot advertise for a machine-tool setter and expect to have a guy sitting idle waiting for you and ready to come and do the job. There are umpteen thousand young people—

Mr. B. Gilbertson (Algoma): Everybody knows that!

Mr. Deans: —who would be— If you know it, can you tell me why, as a government supporter, you have not been urging them to change their policy? I mean, it is not like sticking a tap into a maple syrup tree.

Mr. Gilbertson: Never mind; everybody knows what you are talking about. You are wasting the time of the House.

Mr. Deans: Why do we not do it? All I want the minister to do is to say that he will recommend that this be moved—

An hon. member: You are certainly not wasting your time, Bert!

Mr. Deans:—and then these things can be done. Those things can be done, because I happen to believe that if things go on as they are, we are going to have a lot more unemployment. We cannot just permit this kind of development to continue.

Hon. Mr. Randall: I would like to give you my comments for a second before we get off it.

In the last 10 years we have not really had any unemployment in this province. We have had full employment so that if you want people to do something today you have to either bring them in or find somebody and take them away from another company. In my experience, too, when I was in the appliance business, we could not keep apprentices. Now I have been in Europe—I have been in the Phillips plant in Eindhoven—they have got a plant there with, I think, 500 apprentices. You go to most of the big plants in Great Britain, you will find apprentice-training programmes. The unions put up with that but the unions over here are not interested, particularly in great numbers of apprentices. The first thing that appears is, "Well, the guy is working for less money"—wait a minute now—

Mr. Peacock: That is not true of industry.

Hon. Mr. Randall: Wait a minute. It has been my experience—I am telling it as a manufacturer—it has been my experience that, for instance Douglas aircraft here, if they have to build wings and deliver them to the United States to meet a schedule, they do not have time to look around and find some guy who is warm and break him into the plant and teach him how to do—

Mr. Deans: That is the problem.

Hon. Mr. Randall: No, I know, but I am just saying now that I am not trying to be facetious. I am just saying that we have had a problem here of a shortage of bodies to pick up; now all of a sudden, we have bodies. I agree with this. People are walking the streets today whom we should be able to train.

I might say that one of the things that this province has done, through our science and technology schools, we are probably going to turn out more people for industry in the next few years—as we did teachers—than we have ever done before in our lives. I think that if we cannot get them out of the apprenticeship courses, we can certainly get them out of the technical schools. A lot of these people are coming out of technical schools and falling right into good jobs, not as apprentices, not

at lower wages than the guy on the assembly line, but at the same wages.

I do suggest to you that the programme is not a matter of—

An hon. member: The technical schools, are they coming on?

Hon. Mr. Randall: The science and technical schools—what do you call them?—science and technology? I just want to point out that some of these people we are talking about, today suddenly there are a number of people walking the streets looking for jobs. You know and I know that you just cannot take those people and train them overnight to be a machine-tool operator or setter—all those things. I recognize what you are driving at and we are sympathetic to the programme. We had a job to do of bringing in selected immigrants to create jobs for those who were walking the streets and who we said were unemployables.

Some of these selected immigrants say that when they come in they create jobs for at least two people, if not a half-a-dozen; we have seen it happen. The whole programme has been designed, in my estimation, to take care of a shortage of bodies at a time when bodies were not available for training and there were not a great number of people being trained in apprenticeships. Now, you look at the trades and industry; they are not too fussy about apprenticeship training in the trades.

An hon. member: Trades are very happy about it.

Hon. Mr. Randall: You look in the plumbing field and the carpenter field—

Mr. Peacock: Those are not the industries we are talking about.

Hon. Mr. Randall: All right, the industrial field, too. I do not know where you have major apprenticeship programmes in industry today. Maybe in the automobile industry, but not in very many others.

Mr. Peacock: The aircraft industry.

Mr. Chairman: Are you finished, Mr. Deans?

Hon. Mr. Randall: Not too many.

Mr. Deans: Yes, for the time being.

Mr. Sargent: Where is the cutback—

Mr. Chairman: The member for Peterborough has the floor.

Mr. Peacock: I want to comment—Windsor West.

Mr. Chairman: I am sorry; Windsor West.

Mr. Peacock: It happens that in my territory—and I would like to answer the minister—he is wrong when he says the unions have opposed apprenticeship training programmes in industry.

All of the unions in the major metal working trades in industry have registered apprenticeship programmes. If the companies are willing to accept the standards that are set out in the agreement that they negotiate between these unions, principally auto and steel, the employers can have their apprentices. It is the companies that have apparently been unwilling to employ apprentices under the standards that are negotiated. The ratio between journeymen and apprentices is very important for the purpose of training. That is an area in which there should not be a shortage of skilled people on account of any alleged reluctance on the part of the unions to fall in line with apprenticeship training programmes. They have fulltime skilled trades departments in those two unions to my knowledge, promoting apprenticeship on the job in the metal working plants of the province.

Douglas is one of them. Douglas is one of the companies to which the UAW wrote in the name of the late president of the union, Walter Reuther, urging those companies to upgrade the skills of their blue collar work force by enrolment in such apprenticeship programmes.

The second area where there seems to be a lag is in the federal government's manpower mobility programme. These are the two critical areas where we are talking about the necessity of turning abroad for immigration of persons such as you have mentioned—engineers and machine tool operators and setters—when the short supply could be tackled through (a) the apprenticeship programmes; and (b) the federal government's manpower mobility programmes. I wonder if Mr. Clark could tell us what has happened to that programme, that the Canada manpower centres cannot bring to some of these employees from elsewhere in the province, the skilled personnel that they need. Last year with the heavy unemployment in the metal working trades there surely were at least 107 machine tool operators and set-up men from somewhere in all those plants on short work weeks or completely closed down for long-term lay-offs.

Mr. Clark: I will have to answer your question indirectly, sir, in this way. Our pro-

gramme is totally integrated with that of The Department of Manpower and Immigration. When we initiate an overseas recruitment programme for a company in Ontario, we supply regional headquarters of manpower and immigration with a copy of our instructions to overseas office.

This is the first stage of the programme. These are the advertising instructions on behalf of the employer. When the employer has received his applications and screened them, and advised us of those he wishes to interview, we complete this list for our British offices. Again we supply copies to manpower and immigration.

Finally, when the employer has been over, selected his people, we close out the file with another standard form, a copy of which goes to manpower and immigration. In that way, we are totally integrated.

Mr. Peacock: What does manpower and immigration do with the advice that you give them of the employer's request?

Mr. Clark: That I do not know.

Mr. Peacock: Surely, Mr. Chairman, this is the very point at which we have to rest for a moment. If the federal Department of Manpower and Immigration will not insist that the employer show proof of his complete inability to recruit the personnel he requires within the province or elsewhere in Canada, then surely this department of the Ontario government should not be aiding that employer.

If the employer cannot satisfy our federal immigration or Manpower authorities and is completely unable to bring in the skilled personnel that he needs and has to show proof of his advertising, his interviews and whatever other necessary documentation is required that he has tried and failed to recruit, then the Ontario government should not be enabling an employer to skirt around that kind of provision.

I do not think that this selective immigration service should operate independently of The Canada Department of Manpower and Immigration's policies at a time of shortage of jobs, at the same time as we have surplus of persons in the skilled categories who are now leaving our nursing schools or universities or teachers' colleges unable to find employment.

I would think that the minister might well consider that kind of requirement of an employer, that he has to take to the selective immigration service documentation of his

survey of the availability of those skills, his inability to recruit what he needs and then, and only then, is he afforded the services of the department.

Mr. Chairman: The member for Peterborough.

Mr. W. G. Pitman (Peterborough): There is little to add to what the member for Windsor West has stated here. The minister says when you do not have very many people unemployed, then you have to go overseas and try to find them. I think the problem is that we start bringing these people in from overseas; we put them very often in the middle of the employment scale, in the fairly highly skilled areas, and then when unemployment comes along it is the Canadian people at the bottom who get shoved out. And they are the ones who are standing in the unemployment insurance line; they are the ones who are collecting unemployment insurance or collecting relief, and it seems to me this is a completely illogical way of going about it.

Hon. Mr. Randall: Are you talking about sponsored or unsponsored immigration?

Mr. Pitman: I am talking about the selective immigration policy you have here. I am talking about exactly what we have been speaking of, the efforts of industrialists in Ontario to circumvent what in a sense was a retraining programme provided by Canada Manpower, and the training schemes throughout Ontario and going over and pulling people back out of Great Britain. To say the least, I think it is immoral from the point of view of Great Britain. Here is a country trying to struggle its way to some form of economic viability, and here we are undermining it. But that is not the minister's problem.

The point I am trying to make is that in 1960, when we passed The Vocational Training Act, I can remember very dramatically the studies that were made by The Department of Labour in Ottawa, in which they discovered the young people who were coming out of the schools in Europe, Germany, the Netherlands, Great Britain, were much better trained on a number of these trades. So the great hue and cry became, "We must have vocational schools" and—I am not sure—I think well over \$1 billion has been spent on vocational schools and, on the secondary level, on extensions to vocational schools, to say nothing now of the colleges of applied arts and technology building programme

which is just coming over the horizon now. That we should still be going over and raiding another country to secure these trained people is just ludicrous. I am sorry I was not here at the beginning when my friend was speaking of the number of teachers, as I understand there were some 434 teachers hired over in Great Britain last year, when there were 700 teachers who did not get jobs from the teachers' colleges in Ontario.

Mr. R. Haggerty (Welland South): They are fully qualified, too.

Mr. Pitman: Fully qualified!

Now I ask the minister to think for a moment of the amount of money that those people represent, these 700 teachers. Presumably each one of them could have made \$5,000 to \$6,000 at some kind of productive activity. They all had a Grade 13 diploma; presumably it cost the government something between \$1,500 and \$2,000 to train them. Now, the amount of money that is going down the drain in educational enterprise in Ontario and in Canada is monumental, to say the least. Once again, that is not in the minister's estimates, but I think this particular selective immigration should be brought into full question in view of the efforts that have been made over the last 10 years, supposedly to end Canada's need and reliance upon skilled people from outside.

I think it should be—well, here again we are hung up in this dominion-provincial schemozzle, which the whole Manpower scheme represents, because it is a bloody mess. I think from every point of view it is just a bloody mess. You have the federal government sending people to adult retraining; sometimes they send them and sometimes they do not. The province is stuck with trying to provide the training, trying to turn it off and on like a faucet of water, and the whole thing is just a headache from beginning to end. And the sooner we clean up that mess, the better it will be for the minister, because I suggest to the minister that a selective immigration programme is simply out of date as a means of complying with the needs of—

Hon. Mr. Randall: I do not know whether you were here at the start.

Mr. Pitman: No, I was not; I am sorry.

Hon. Mr. Randall: Mr. Clark pointed out that we brought in 424 teachers in 1969.

Mr. Pitman: Twenty-four?

Hon. Mr. Randall: Four hundred and twenty-four. In 1970 they brought in 24.

Mr. Pitman: Yes, I am aware of that.

Hon. Mr. Randall: So I come back to the Minister of Education, who said they put the crash programme on the teachers who become available this year or late 1969 for use in our schools. So we do cut back the programme.

Mr. Pitman: Yes, I saw that.

Hon. Mr. Randall: And I just said to my friend next to me there, it is difficult for us to turn the key off because of this inflation fight that is on in Ottawa. Somebody says there are a lot of people walking the streets. Those people were not walking the streets a few months ago; they were not available to be trained. You cannot turn the tap on and off overnight. You can recognize it may take a year, it may take 15 months to turn that tap off. Some of these people have been processed; they arranged to come here, and you cannot turn it off overnight, but I would say—

Mr. Deans: You sure can; you have to.

Hon. Mr. Randall: Well, you cannot do that kind of thing. I just suggest to you that we change our programme as we see the needs on the street, of people looking for jobs and the skills that are available. We are not looking for people around the world if we have them right here, believe me.

Mr. Pitman: What we should be doing, if we have any reliance on continuing education, is we would be training these people while they still have jobs so they would have higher skills and they would not be the first to be knocked out on the street when a recession comes.

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): This is one activity in the department that probably was useful years ago, but I cannot see the use it is being put to today. In addition to the surplus of manpower, and in addition to the fact that it is not necessarily getting manpower for our industrial economy when they go into the registered nurses' and into the school teachers' fields, the minister knows that the various teachers' associations through the length and breadth of the province of Ontario objected strenuously last year to the importation of the teachers, both from

down under in Australia and New Zealand and from the United Kingdom, because they foresaw at that time that there was going to be a surplus of teachers, that there were teachers who could not get gainful employment in their selective field in the province.

What did strike me as being kind of strange in here was the fact that there were apparently 110 nurses brought in. Just last week I had occasion to call the RNAO, the nurses' association in town, and ask them concerning nurses, and they said there has been a surplus of nurses now for over a year. So here you are bringing nurses into the country when the nurses graduating from our own schools today are having a difficult time getting placed.

I am sure, likewise, that the minister is aware of the policy that the U.S. government used. Living as I do in a border town, a lot of our residents attempt to get employment in the United States. They cannot get employment over there up until the time the employer to whom they have applied has advertised or satisfied Manpower in the U.S. that they could not get this type of a skill in their own jurisdiction. And I think a policy such as the U.S. has set would be very much to our advantage; if the Americans will do this, then why do we not come along and do exactly the same thing, especially for their people coming into our own country? I would not stop only there; I would sort of take the suggestion that both the member for Windsor West and the member for Peterborough made mention of; that, while we have this surplus of manpower in the province, these people not be allowed to come in up until the time the industry has satisfied Manpower that they have made every effort possible to obtain that type of a skill within the bounds of the province of Ontario, first, and then the dominion of Canada, second.

And I certainly think this programme this year is probably \$303,000 that we could do without and put to a little better use. Were there not to be the surplus of labour in the province of Ontario, I think this could be, and possibly was in the past, a useful and a good programme, because I can recall individuals operating in the mould-making field having to go overseas to Germany and the Low Countries to get skilled craftsmen for the mould-making industry, especially in my own community, and offering at that time fantastic salaries for individuals to leave their employment in Europe and to settle in the Windsor area at the time.

I certainly would like to see the minister reconsider the programme. If he is going to use it as selective immigration, use it as selective immigration for specific skills, but not in the professions at all. I think in the nursing profession, that should be left to some other branch of government; in fact, I would say maybe the whole thing on immigration should be some adjunct of The Department of Labour, rather than this Department of Trade and Development. You are working at cross-purposes with one another, and as long as you are going to have two cooks trying to prepare the broth, you are liable to have a spoiled meal.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, as far as our party is concerned, this House is made up of 117 average men from across the province of Ontario and we do not represent any power group. We represent people. If the people had their way, a time and place in Ontario 1970, they would have voted out the last \$3 million vote we just passed a moment ago. Insofar as this exercise in futility is concerned, we talk about immigration with a surfeit of unemployed people. We are voting \$300,000 here. I find in the estimates—it is completely ridiculous trying to study the estimates—I find on page 2 section 8 an amount of immigration grant salaries of \$181,000 of which \$16,000 is specified. Of these salaries, \$164,000 is not broken down. How in the hell am I to know as a taxpayer what \$164,000 stands for?

Nowhere in the study of these estimates in this book can I find any relation to what goes on in the estimates for 1970-1971. It is completely ridiculous to ask the minister and all his staff, the brass and manpower earnings there, to sit around and listen to all this jazz. My opinions on this do not mean—

Mr. Peacock: We will excuse you!

Mr. Sargent: —a damned thing. A hodge podge of nonsense comes from this section down here, other than to hear themselves talk. Get to the point whether or not we can do it. We never changed one cent of the vote in all the time I have been in this House. Not one cent is changed of any vote.

Mr. R. G. Hodgson (Victoria-Haliburton): Would you like to ask some questions here?

Mr. Sargent: No, on this vote I will not ask them questions. He is going to do it anyway, so I would suggest that—

Mr. R. G. Hodgson: Find out the information you are talking about.

Mr. Sargent: There is no information in the book on what I want to ask here. I know there are foreign services allowances for a lot of people and they get paid just on top of their salary, but I cannot find the salary types.

Mr. R. G. Hodgson: Ask such questions if you can find out that information.

Mr. Sargent: Oh, he would not even listen to \$164,000 in salaries.

Mr. R. G. Hodgson: Ask how many men they have.

Mr. Sargent: I am going to make a motion, Mr. Chairman, as far as this part is concerned, that we reduce this vote to one dollar. You ask us to vote \$300,000 to import people to work. Then the department head has told us that we now have only five per cent of the teachers you have requests for this year. So reduce the vote to five per cent, if that is a yardstick. Yours is one of the dominant votes. You are going to vote this \$75 million like that and you are just laughing at us up your sleeve.

Hon. Mr. Randall: Let us lay off the \$75 million. You are getting yourself all crossed up.

Mr. Sargent: We will take half of it, take one-third, what are you going to do?

Hon. Mr. Randall: Like a dog chasing his tail, you do not know what you are talking about. That is the first—

Mr. Sargent: Do not give me stuff, I just—

Hon. Mr. Randall: I will give you that stuff. I am getting sick of that nonsense of yours.

Mr. Sargent: Let me tell you something.

Hon. Mr. Randall: I am sick of that nonsense of yours. Make sense. You are not making sense.

Mr. Sargent: I put it this way: the minister treats us in the House like a bunch of school kids.

Hon. Mr. Randall: No, I do not.

Mr. Sargent: You think you are a big wheel because—

Hon. Mr. Randall: No, I do not.

Mr. Sargent: You should learn to know that there are people in this province that are paying the freight. They are ordinary people. They do not think the way you do.

Hon. Mr. Randall: Well, we do not think the way you do.

Mr. Sargent: And do not think you can talk down to a—

Hon. Mr. Randall: We do not think the way you do, either. We are not all crooks up here just because you think we are.

Mr. Sargent: You are taking a pretty good stab at it, spending the money the way you are. Do not—

Hon. Mr. Randall: What would you do if you were in government? Throw it down the drain? Would you spend any money?

Mr. Sargent: I would give Ontario back to the Ontario people.

Hon. Mr. Randall: For a guy who made his living merchandising, you certainly have not got much of an outlook on this department I must say.

Mr. Chairman: Let us get down to the vote. We are at vote 2203, selective immigration. Let us get on to the vote. We have the member for Windsor West.

Mr. Peacock: Mr. Chairman, can Mr. Clark give us the balance of the 1970 estimate of immigration for the other categories? He gave us teachers. Can you give us registered nurses? Machine operators? Farm labour?

Mr. Clark: No, sir, it is much too early.

Mr. Peacock: All right!

Mr. Clark: I can say this. We have been actively discouraging the immigration of registered nurses into Ontario for over six months.

Mr. Peacock: Just one other question. Does Mr. Clark have with him the boards of education which requested the recruitment of teachers?

Mr. Clark: No sir. I have that in the office and I would be glad to send it to you.

Hon. Mr. Randall: May I just say this? If we do not need this amount of \$318,300 we will not spend it. I do not hesitate to turn money back to the Treasurer at the end of the year, if we do not need it.

An hon. member: There are some other votes. Do you turn much more back in there?

Hon. Mr. Randall: It could be, but as far as I am concerned, I say to the Treasury department, if I do not need it, I will turn it back.

There are some advertising agents. They get a sum of money and say they have to spend it, or next year they cut me back again. We used to have that difficulty when we first came into government. Today this does not happen.

Mr. Sargent: How much did you turn back last year?

Hon. Mr. Randall: I do not know what we turned back.

An hon. member: And nobody else knows!

Hon. Mr. Randall: You will find out if you stick around long enough.

Mr. Chairman: Vote 2203 carried?

Mr. Sargent: I made a motion, Mr. Chairman.

Mr. Chairman: Oh yes. Do you want me to present the motion?

Mr. Sargent: Reduce the vote to \$1.

Mr. Chairman: Moved by the hon. member for Grey-Bruce that we reduce the amount to \$1.

Second of the motion? I guess we do not need a seconder.

All in favour of the motion? Just the members on the committee can vote, by the way.

Five.

Those opposed.

I declare the motion lost.

Does the vote carry?

Carried.

Interjection by an hon. member.

Mr. Chairman: I can count, you know, very easily. I declare the motion lost and I declare the vote carried.

Vote 2203 agreed to.

On vote 2204:

Mr. Sargent: Do you want to take a vote on the next one while you are at it?

Mr. Chairman: Now we are on vote 2204, research and development. The member for Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, this probably is one of the more important votes throughout the estimates of this department, the fact that they should be able to predict trends and know the effects of new policies, especially in the labour fields.

I want to ask the minister if he has undertaken any studies concerning the effects of our economy of the scheme that the labour unions will be asking for shortly, and that is 30 and out.

Hon. Mr. Randall: I do not know what you mean by 30 and out.

Mr. B. Newman: It means when you reach 30 years of service—thirty years of service?

Hon. Mr. Randall: There is no economic research in this vote. It is industrial research.

Mr. B. Newman: It is not in here at all?

Hon. Mr. Randall: No.

Mr. B. Newman: What will you research here?

Hon. Mr. Randall: I would think we could take that question to the economic council and see if we could find the answer for you.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, I would like to ask in this vote of \$1.5 million, how much is the revenue of that branch of the department?

Hon. Mr. Randall: That is a matching grant. For every dollar that the Ontario Research Foundation earns from an industry, the government matches it dollar for dollar. The \$1,485,000 this year is what they anticipate they will earn in 1970-1971. You see, it was a \$1,690,000 grant last year for what they earned, and that will be matched by the Ontario government. That is the way the research foundation is supported by the Ontario government, plus the fact there is \$200,000 over a five-year period given to all firms toward machinery and equipment they may require. Last year they received \$400,000 because they wanted to buy the equipment before the end of the year.

Mr. Haggerty: What type of equipment?

Hon. Mr. Randall: It is special research equipment, for the Ontario Research Foundation. We set aside \$200,000 a year for five years, but last year we gave them \$400,000 because they had an equipment purchase

they wanted to make. You will notice that the \$200,000 is not in this year.

Mr. Sargent: As I recall, The Sheridan Park Corporation Act is part of this vote?

Hon. Mr. Randall: No, The Sheridan Park Corporation Act was a land deal. It has nothing to do with Ontario Research Foundation. There is no money in there.

Mr. Sargent: I recall asking the minister about the money for research last year and you gave me a figure of \$175,000.

Hon. Mr. Randall: The president of the Ontario Research Foundation is here. Let me see if he can answer that question for you.

Mr. W. R. Stadelman (Ontario Research Foundation): Very briefly our income was made up last year of about \$3.75 million of which \$2.5 million was contracted research carried out for either government or industry.

Mr. Sargent: How much was industry's share?

Mr. Stadelman: Last year, it would be about \$1.6 million.

Mr. Sargent: So we are talking of \$2.75 million for this operation?

Mr. Stadelman: The other \$2.5 million is contract work for government; part of that is the federal government, part of it is the Nova Scotia government, which they pay for. Then the remainder is about \$1 million, which is made up of a grant from this department.

Mr. Sargent: Do you foresee, sir, the time when this will be self-supporting?

Mr. Stadelman: This type of operation is not self-supporting any place in the world.

Mr. Sargent: I understand it is in the States; that industry, generally, does its own research and the government is not a contributory part of it.

Mr. Stadelman: In the United States, of the work done in industrial laboratories—that is laboratories owned by the companies themselves directly—55 per cent of the moneys for those labs is provided by the federal government.

Mr. Sargent: Not state government?

Mr. Stadelman: No, federal.

Mr. Sargent: I am sorry to interrupt you. You are very knowledgeable. I want to find

out a lot. The federal government then, is—we are doing a role here that the federal government should be doing.

Mr. Stadelman: No, this institution for which I work was created by government and was agreed to by industry with each putting up, in 1928, equal funds to endow the institution—

Mr. Sargent: The Ontario government?

Mr. Stadelman: Yes.

Mr. Sargent: Not federal?

Mr. Stadelman: Not federal. The matching grant is still carried out dollar for dollar with Canadian industries.

Mr. Sargent: So you cannot foresee the time this will be self-supporting?

Mr. Stadelman: No, I cannot, unfortunately.

Mr. Sargent: So then the taxpayers of Ontario are going to continue again to pay the freight for industry.

Hon. Mr. Randall: No, they are not paying the freight for industry. Let me just point out that research is an ongoing programme in any industrialized society and as industry does its share, the government must also assist.

Mr. Sargent: The government is the people.

Hon. Mr. Randall: All right, sure, it is the people. The National Research Council in Ottawa is doing certain things up there on a federal level. We are doing certain things here in the Ontario government. Quebec is setting up its own research.

Mr. Sargent: And the United States does not do this?

Hon. Mr. Randall: No, that is not quite true.

Mr. Sargent: You just said that.

Hon. Mr. Randall: The Ontario Research Foundation is set up to look after the industrial research in Ontario. It is supported by this government and it is supported by industry, as the gentleman pointed out here a few minutes ago. The more work it can do for outside sources, the more money it is going to earn from this government. This is the way the government supports research. If this Ontario Research Foundation went out and earned \$4 million, the way the programme is set up now, they would get a grant of \$4 million, so we would have one of the finest research facilities anywhere in the world.

They have been working on a base here; for every dollar they earn they get a dollar of Ontario government money and that is the way the research foundation operates.

We need research in this province, probably more so now than we ever needed it before. If we are ever going to develop our own Canadian manufacturers and our own Canadian products, this is where they will come from. They will certainly not come out of somebody's garage.

Mr. Chairman: Just a minute, Mr. Haggerty, just a minute. Let them ask the questions in order. Do you want to be on the list?

Go ahead, the member for Grey-Bruce. Are you finished with your questions?

Mr. Sargent: I am not clear in that we are creating methods for big business to make huge profits. The research is being paid for by the taxpayer and I do not see why, in the area of business, that there is not a tax write-off for industry to pay for its own research.

Hon. Mr. Randall: No, no!

Mr. Sargent: Just a moment, I do not see—this is my opinion and as a businessman I do my own research. No one does my research for me. In my own small way I have to do the research. Every businessman has to do his own research, so why should we do it for big business and give them a full gift of this amount? It should be self-supporting and in no way should the taxpayer be paying for the research for big business; no way. It is the big power group again here in Queen's Park, saying: "We will look after industry, big industry."

Mr. Chairman: Do you want to answer that question?

Hon. Mr. Randall: No, all I was going to say to the hon. member is that he keeps talking about big companies. Actually the Ontario Research Foundation is not set up for big companies. It is set up for small companies which do not have a research department of their own and they are the people who are primarily using the Ontario Research Foundation.

Now, it is quite possible that a big company, a paper company, would use it. For instance, I think it was the Great Lakes Paper Company that came in a few years ago and vanillin, which is now sold as vanilla extract, was developed at the Ontario Research Foundation. That was fully paid for by the Great

Lakes company; when that product was finished, they paid the cost of it. But if this department earned \$50,000 from Great Lakes for developing that product—we worked on it, using their knowledge and their formulas—that means they earned another \$50,000 from this government. That is the way it operates. We are not subsidizing big business, but what we are doing is putting more money into the research foundation so it can do more work for the smaller businesses.

Mr. Sargent: Supposing this research foundation comes up with a new technique, a new process. Who owns the copyright on it?

Hon. Mr. Randall: We do. We would license somebody to manufacture it, or on a royalty basis.

Mr. Sargent: How much was the revenue last year from copyrights?

Hon. Mr. Randall: How much was the revenue? There was none last year.

Mr. Sargent: There was a figure given to me in the House last year of \$175,000 somewhere in this department—revenue from the copyrights on new techniques, new processes.

Hon. Mr. Randall: I do not think so. I do not remember it.

Mr. Sargent: Okay, Mr. Chairman.

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, I believe in the Saturday or the Friday *Globe and Mail* there was a front page report of a new waste water treatment process developed by the Ontario Research Foundation, and I wonder if we could have some information about that? I would like to know if this is part of the foundation's work financed out of its own earnings or whether it is on contract to an agency of the government or an independent business concern? Secondly, whether that process is likely to be developed into a wide application in those industries that are presently under the orders of the Minister of Energy and Resources Management (Mr. Kerr) to abate their pollution into our waterways? Perhaps your Mr. Stadelman would take this?

Hon. Mr. Randall: Sure, he would be glad to answer that point.

Mr. Stadelman: I will just say very briefly that last year we did about \$500,000 worth of work on pollution and its control. Of that

\$500,000, \$205,000 was carried out for industry and paid for by industry; \$162,000 was carried out for government, federal and provincial, and paid for by them; and we used about \$124,000 of the grant from Mr. Randall's department to carry out research in this area of pollution.

As to the specific purpose, as mentioned in *The Globe and Mail* Saturday, this work goes back probably six or seven years, at which time we were asked by Central Mortgage and Housing Corporation to develop a process for a completely self-contained sewage treatment unit for houses in the far north where it is permanently frozen. We did this for them, and it was completely paid for by them. Subsequent to this, we carried out certain work having to do with the sterilization of sewage for The Ontario Department of Health.

Out of all this came a concept that we presented to the Central Mortgage and Housing Corporation about a year and a half ago: that an apartment complex of several high-rise buildings could be serviced entirely, for its wastes, by one unit. In other words, the water would be continuously recycled. The water would be used over and over again. The garbage would be burnt and the heat used, and the only thing that would come out would be metals and glass, and so on, which would be packaged and sent out once a month.

This is a concept that is looking ahead a good number of years. The Central Mortgage and Housing Corporation entered into a contract with us to work on this concept about 14 months ago. It was for \$1.5 million and we are part-way through it. One of the concepts that we suggested was the treatment of sewage by what we call a reverse osmosis process, which certainly is by no means completely proved. It is in the experimental stages yet.

Mr. Peacock: Was the story premature then, in any sense?

Mr. Stadelman: No. It is always difficult for a newspaperman to fully appreciate what he is looking at in the sense that those who are working on the project are. If it was fully established we would not be doing it, if you follow me. We are trying to work out all the bugs in this thing so that it will be a successful process.

Mr. Peacock: May I ask, Mr. Chairman, does it have any industrial application that the foundation can see at the moment?

Mr. Stadelman: The concept that we are carrying out for Central Mortgage and Housing, of course, has to do entirely with housing. In some aspects of this—the reverse osmosis method of effluent purification—we are also carrying out work for the Canadian Electro Platers, a group of industrial companies trying to clean up their electroplating waste through this process, too. They are also paying for that.

Mr. Peacock: Have those in the foundation engaged in this project approached the Minister of Trade and Development, or the Minister of Energy and Resources Management, or has the foundation been approached by them, to expand the project to broad industrial applications beyond the present CMHC terms of the contract?

Mr. Stadelman: Mr. Randall helped us with CMHC, I think, through his own Ontario Housing Corporation in support of this idea, although the finances are coming entirely from CMHC. We have been in touch with Mr. Kerr's department for several years and have done an awful lot of work for them and his predecessor, and The Department of Health on air pollution.

Mr. Peacock: Is the foundation presently equipped to launch a study on the feasibility of the recycling process in industry, say, in the pulp and paper industry or the petrochemical industry? Could it be equipped with funds from this government?

Hon. Mr. Randall: Maybe I can answer this one. First of all, I think you would have to establish the pilot plant to see if the plan will work. I know two or three programmes that are under way, not only here, but in other plants at the present time. I have seen two of them that looked like Rube Goldberg inventions, but automatic washers used to look like Rube Goldberg inventions, too, until they refined them. Our association with the research foundation is that once they get the engineering done, they can prove through their pilot models that what they are building out there will work, like being prepared to act as a guinea pig and put it in one of our Ontario housing high-rise units, mainly, with a double system in case it does not work so that our tenants are not upset. On the other hand, the work is being prepared to carry out some of the pilot work that is necessary to put it into actual operation.

Once that is done, I think Mr. Stadelman will agree with me, then you could look at other applications with regard to the type

of equipment that would be required for pulp mills and many other major industries. First of all, I think you are not to the point yet where the process is acceptable in its present form and it will not be for another year anyway. Right?

Mr. Stadelman: Yes.

Hon. Mr. Randall: That is why we said at the present time that it is one of many processes that is being worked on today. Out of it is going to come, I think, a number of pieces of pollution abatement equipment. Some will be big and some will be small; some may be as big as this room in order to work. I talked to a man the other day who was having a problem with pollution and he said, "How much money is available from your government?" and I said, "A maximum of \$200,000, if you are a small company." So he said, "We are not a small company and we are going to have to spend \$10 million to swing from one product to another. If the product is polluting, we have to swing to something else." There are not too many people who have \$10 million.

Now, if you give him a piece of equipment by which he can do a recycling job, I think he would buy it tomorrow. The approach we have here is that we are doing something in our own backyard with reference to pollution and that is why we think that the government should support the Ontario Research Foundation to fight pollution.

Mr. Sargent: Is the Ontario Research Foundation doing anything about helping the Ontario government solve the problems—

Mr. Chairman: Just a moment, the member for Windsor West; do you want to go on?

Mr. Peacock: On the same point, sir.

Mr. Chairman: Go ahead.

Mr. Peacock: On the same point, perhaps the newspaper article was unduly optimistic about the breakthrough that it was talking about. But given the urgency of cleaning up our waterways in Ontario, both in industry and in the treatment of municipal waste, it strikes me that perhaps the department, or the government, has not been as excited by the development as it ought to have been.

True, the development may take time to prove but is there no way that The Department of Trade and Development can equip the foundation financially to broaden the research in the application of the recycling

process to some of the industries with the most severe pollution problems in the province? You know, it irritates me no end that, to the growing public concern over pollution, the replies that are coming from industries—such as the pulp and paper industry through its association and through its literature, the newsletters that we, as members of the Legislature, received from the Kimberly-Clark company—cry hysteria and denigrate the public concern that is growing.

They say to us in these pieces of literature and in this propaganda, "What do you want? Do you want us to return the water in the same pristine pure form that we took it out of our lakes and rivers?" Well, why not? Why dump it back? Why complain about the expense in treating it and then dump it back into that same waterway? Why not recycle it? They are taking millions of gallons of water for their industrial processes out of our streams and lakes.

Mr. Haggerty: And not paying a cent for it.

Mr. Peacock: They are claiming huge expenditures to treat it. They say they cannot return it in the same pure, pristine form. Fine, if they cannot, why do they not hang on to it and use it over again? That is what I ask the company presidents who cry so loudly about the public pressure on them to clean up.

If the Ontario Research Foundation is moving toward a solution to this problem, in which recycling will become possible, surely we should be moving toward that solution with all the haste that we can possibly muster.

If it is a question of money—and often it is a question of money in speeding up research because if the fundamentals of the process are already known, money may very well speed up its development in an industrial application—I am asking the minister if there is no way in which he and the foundation—through contracting out, perhaps, in a reverse manner to what has usually been the traditional way of operation—cannot hasten the research toward the day when the recycling process will have industrial application.

It is surprising that with all of the investment in the foundation itself, and its assistance to industry, and the investment in Sheridan Park, often on behalf of major corporations that are among the largest users of water in their industrial processes for cooling or other means, that something like

this recycling process has not occurred to them. That they have not set aside funds from their own internal working capital to research the recycling project. Could I ask Mr. Stapleton, perhaps, after the minister's reply, to—

Hon. Mr. Randall: Mr. Stadelman.

Mr. Peacock: Mr. Stadelman, I am sorry—to tell us whether in his opinion industry has not had the research capacity to develop such a programme, whether its scientists and researchers could not also, independently of the foundation, have undertaken such work and developed it in respect to their own waste treatment processes.

I have seen some waste treatment facilities such as those associated with the automobile industry in Windsor, where there is a bowl of goldfish sitting at the end of the process. The company claims that the water has been restored to that purity. There are glasses of that same water sitting on the table at the end of the process if you wish to drink it. If it is good enough for the goldfish, perhaps it ought to be good enough for us.

Hon. Mr. Randall: May I assure you that I have had a number of chats with Mr. Stadelman and the people out at the research foundation have pointed out that money is the answer to a final solution to get this project completed and make it feasible, engineering-wise. We would make the money available, either through a special grant or we would get it through the Ontario Housing Corporation which also has an interest, the same as Central Mortgage and Housing Corporation, in seeing that this project is completed. I think Mr. Stadelman will tell you that in the research and the engineering that money is not necessarily the major problem.

It is a matter of time to test the equipment and get it working the way we think it should be working before you can say it is a product that could be manufactured. I can assure you, sir, that if it is ready for manufacturing we will, in one or two days set somebody up or we will farm it out. We will get it into production as quickly as we can, as soon as we have proved our pilot models, there is no problem on the money end of it. There would be sufficient money to operate.

Mr. Peacock: Would it be practicable at this stage for the Minister of Energy and Resources Management to say to those industries with a waste water treatment problem,

"Go to the Ontario Research Foundation, take a look at their process and see if you can apply it to your waste treatment facilities?" Would it be practicable for the minister to give that direction at this stage?

Hon. Mr. Randall: I do not know whether we want to yet. I think this is the safest answer that we can give you, but I would say that I think we would want to finish our research before we make it public.

Mr. Stadelman: Reverse osmosis was a technique developed some time ago in the United States to make available pure water, or drinkable water, from sea water where there is a shortage of water, particularly in California where they are testing. We looked upon reverse osmosis as an industrial process when we first heard of it, or we thought we would look upon it as an industrial process rather than as a decontamination process because it seemed to have a whole series of possible uses. We entered this field about two years ago when it was still in its infancy.

The membranes that are used for this purpose cannot be made industrially in quantity as yet. We hope that we will contribute to the solving of this problem. I suspect, without knowing, that the paper cups would have to have semi-permeable membranes available in quantity before there could be a useful technique for it.

Mr. Peacock: Has Mr. Stadelman or the foundation, changed its opinion about the wide range of applications that he just spoke of, as result of the research?

Mr. Stadelman: No we have not. We are looking at other uses. It has occurred to us that with the concentration of fruit juices or the concentration in milk, to remove the water therefrom usually is done by boiling or other processes which invariably ruin the flavour. We were rather hopeful that we could remove the water by this process and retain the flavour. If you can can these fruit concentrates to retain the flavour, you have made a great step forward. You well know that the orange juice that you drink in the morning is made from fresh oranges. It is very different from even the very best frozen orange juice.

Mr. Peacock: Will the process remove the DDT from the flesh of these fruits?

Mr. Chairman: The hon. member for Welland South.

Mr. Haggerty: Mr. Chairman, this subject has been pretty well taken care of. The member for Grey-Bruce mentioned about patents or royalties. My question to the minister is, does the province share in these royalties? Have you developed some scheme and new process in industry—

Hon. Mr. Randall: If we have a product that we develop with our money and our own initiative, yes, we would license that out and share in the royalty or on a licence-fee basis. If we are working on a product for an industry, and they are paying the cost of that product, of course, the process belongs to them.

Mr. Haggerty: The province or the company? Your department would be doing the research on it?

Hon. Mr. Randall: If the Ontario Research Foundation is doing, say the work for a private company under contract, then any successful results obtained from the research are the property of the company which paid for the research contract, and the Ontario Research Foundation would not get anything out of that except payment for the work that is done. If this process we are talking about here and that we are undertaking now, in which we have a participation, would develop successfully, then we would have a participation in whatever licence agreement was made by the other party, Central Mortgage and Housing Corporation or anybody else that was involved in it.

Mr. Haggerty: The other question deals with the half-million dollars which apparently the research foundation has been working on. This is for pollution control and the member for Windsor West mentioned about the sewage treatment recycling. I notice there is a company in California—Monogram, I believe it is or something like that—using this process on jet aircraft. If you are familiar with the Misener enterprises in Port Colborne, this is where they deal with marine shipping and so on. They have a programme or a plan for recycling tanks on larger upper lakers, unit sewage systems for the Great Lakes system. I wonder perhaps if your department had been in contact with the Misener Marine enterprises in Port Colborne.

Hon. Mr. Randall: I cannot say that I know anything about it, but somebody else—

Mr. Haggerty: I understand they have a patent on this. It is working on small craft on the lake system, that is pleasure craft.

Hon. Mr. Randall: That is Misener, did you say?

Mr. Haggerty: John Misener Marine Equipment Ltd., Port Colborne, Ont.

Hon. Mr. Randall: No, I do not know anything about it, but we will have a look at it.

Mr. Haggerty: The other question is about pollution, and deals with municipal pollution from sewage treatment facilities. I notice in the International Joint Commission report, the town of Grimsby has a treatment facility of the lagoon type. You read this report and it tells you it has the lowest bacteria count of any municipality in the province of Ontario.

Hon. Mr. Randall: The town of Lindsay?

Mr. Haggerty: Grimsby.

Hon. Mr. Randall: Grimsby.

Mr. Haggerty: That is right. If you want to read that report, it tells you there, I think, that the phosphate content is the lowest too.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, the departmental head of the Ontario Research Foundation said that he was doing something for the Nova Scotia government. Is that on the Deuterium Canada plant programme?

Mr. Stadelman: No, the work we did was for the Nova Scotia Water Commission and they have a problem. There are very, very small towns on the rockbound coasts, and the sewage from the town is discharged into the seawater untreated. They were very frightened of infections and the hazards to health. The towns are very poor and could not afford to put in regulation sewage disposal plants. They asked us if we could devise a system that would be very cheap that would kill the bacteria. Now this is not getting rid of the sewage but it is removing the health problem.

We devised a system that is very neat. This consists of a pump and a means of adding chloride which is very effective—so much so that the province of Prince Edward Island offered to pay part of Nova Scotia's cost if they could use the process as well. However, that is nothing to do with us, I just mentioned that.

Mr. Sargent: Why would they ask you? Why would they not ask the federal government?

Mr. Stadelman: In certain aspects of this work on the treatment of sewage, I think we are as knowledgeable as many groups in the world. I think some of the aspects of recycling that the astronauts used when they went to the moon and back are in the very fields in which we are working and the very fields in which we just discussed a minute ago about Central Mortgage and Housing Corporation.

Mr. Sargent: Are you working at Douglas Point?

Interjections by hon. members.

Mr. Sargent: Are you working at Douglas Point?

Mr. Stadelman: Douglas Point?

Mr. Sargent: Douglas Point. Hydro.

Mr. Stadelman: No, we are not doing anything directly for the Hydro. Atomic Energy is doing the design of the power installation at Douglas Point, but we ourselves are not doing anything. We are doing it under contract for AECL.

Mr. Sargent: But you are indirectly doing work for Douglas Point?

Mr. Stadelman: That is right.

Mr. Sargent: Under contract with Ottawa?

Mr. Stadelman: AECL.

Mr. Sargent: AECL, under contract; how much is your contract with them?

Mr. Stadelman: Oh, these are small engineering jobs as they come up; I really could not say.

Mr. Sargent: Have you been asked to work on the safe destruction of pesticides, such as DDT, that have a high temperature of incineration?

Mr. Stadelman: No, not that I know of.

Mr. Sargent: What is your background.

Mr. Stadelman: Mine?

Mr. Sargent: Yes.

Mr. Chairman: I do not think that has anything to do with the estimates.

Mr. Sargent: I think it has.

Mr. Chairman: No, it certainly has nothing to do with the estimates.

Mr. Sargent: I want to find out something here. How much money do you make? How much money are you being paid?

Mr. Chairman: Nothing to do with research and development.

Mr. Sargent: Mr. Chairman, I reserve the right to ask questions about the taxpayers' money. Do not be like Speaker Cass and sidetrack me. I have a right to know this.

Mr. B. Newman: Do not be rude.

Interjections by hon. members.

Mr. Sargent: The minister has asked—

Mr. Chairman: If the minister wants to answer this question, it is fine, but—

Mr. Sargent: The minister has asked us to direct our questions to the department head. Can he answer?

Mr. Chairman: I do not think he should have to answer.

Mr. Sargent: All right, how much money are you paying this man?

Hon. Mr. Randall: He is not a department head. He is running a company—in other words, a private company that is subsidized by this government to the tune of present earnings. They are not civil servants there; they are with a private organization. That is why Mr. Stadelman feels, and I feel the same way, that he has answered most of the questions. I think anything personal like that does not have to be answered.

Mr. Chairman: The hon. member for Renfrew South.

Mr. Sargent: Just a moment. I think that it is important that he is receiving moneys from the taxpayers of the province of Ontario and I want to know what his qualifications are for the job. I do not suggest that I want to embarrass the man. I mean, people know what we are making; but whether or not we earn it is another thing. I want to know if he is qualified to hold the job; what is his background; what success has he had to get these grants? Maybe he should work in a drugstore pushing pills. I do not know.

Mr. Chairman: I say your questions are out of order.

Mr. Sargent: I submit they are not, Mr. Chairman.

Mr. Chairman: I submit they are.

An hon. member: Why are they out of order, Mr. Chairman?

Mr. Chairman: They are out of order. You cannot ask a personal question—

Mr. Sargent: Just a minute, I would like to find out what is going on in here. What right do you have to tell me, a member representing 60,000 people, that I cannot ask a question on how much money a man gets for spending \$1.5 million of my money? What right do you have to say that?

Mr. Chairman: I say you are out of order and say—

Mr. Sargent: I say I am not out of order.

Mr. Chairman: Direct your questions to the minister. If you want to direct the questions to him, fine.

Mr. Sargent: I have asked the minister and someone should know.

Mr. Chairman: If he wants to answer, fine.

Interjections by hon. members.

Mr. S. Lewis (Scarborough West): It may be that the questions seem inadvisable and inappropriate. They can be answered very simply; they were hardly complex questions. The man who addressed the committee did so with some authority. He has appeared before the committee; he has presented a government viewpoint. The minister can surely be asked one or two simple questions without it being declared out of order. The minister may choose not to answer the questions but I do not think you can declare a member of the committee out of order for asking questions of someone who has appeared.

Hon. Mr. Randall: I have asked Mr. Stadelman to go ahead and answer the questions if he wants to. I think it is in bad taste but we will go ahead.

Mr. Sargent: Do not be so touchy.

Hon. Mr. Randall: You are touchy. Your friend walks in and gives you three or four pieces of paper and you start a riot.

Mr. Lewis: Simply say that you do not want to answer.

Hon. Mr. Randall: No, go ahead.

Mr. Sargent: Three or four pieces of paper? I have got a question here about the Nova Scotia government, I am asking on the vote here now.

Hon. Mr. Randall: All right, he will give you the information and then you will be happy. We will all sleep tonight. Go ahead, Mr. Stadelman.

Mr. Stadelman: I am a graduate in chemical engineering from the University of Toronto in 1941. I spent my life until 1949 working in industry, part of that during the war in the explosives industry, and subsequent to that in the synthetic rubber industry. Following that, I attended the University of Pennsylvania and the Washington School of Economics for two years where I graduated with a master's degree, and I was on the staff for some time.

Following that I worked for an American corporation called Pennsylvania Salt Manufacturing Company, one of the oldest chemical companies in the world. I returned to Canada in 1950 and became secretary-treasurer of the Ontario Research Foundation at that time and I have worked there for 20 years to the present.

Mr. Sargent: We are paying this gentleman, this company, \$1.5 million as far as this vote is concerned and we have not got the right to ask how much money he is getting, as an employee of the government.

Hon. Mr. Randall: He is not an employee in the government.

Mr. Chairman: The hon. member for Renfrew South.

Mr. Sargent: Well, if you had so much control, you could ask him to be here and appear as an authentic witness.

An hon. member: Your credentials are not those of a member of the Legislature, but they are not bad. They are pretty good.

Mr. Chairman: The hon. member for Renfrew South has the floor.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, I am not being absurd, but I feel that since we have moved some of the supply out into this type of committee, that we are very fortunate in having a man like Mr. Stadelman available to the committee. I think that this has certainly been a good step in the way of the supply committee in the Legislature.

I want to ask Mr. Stadelman about someone's mentioning something about desalination. Are you working on desalination, as it is in your department?

Mr. Stadelman: No, but one of the desalinating techniques developed in the United States was the technique called reverse osmosis. And we, since about three years ago, have been looking over new areas of technology to exploit the use of this process. We decided that this had potential as an industrial process and we have been working on assisting mines for some time.

Latterly we have been concentrating on the purification of effluent, either from domestic sewage or from industrial effluent, such as the active wastes of electroplaters, to see if we could end up with the very clear water. The problem has, of course, shifted over now into the production in quantity of satisfactory membranes that will stand up in unusual factors. And this is the phase of the problem that we are at now.

Mr. Yakabuski: I asked that because I thought I had seen something recently whereby they developed a very economical desalination method in some of the Scandinavian countries which is being very widely used. Is this true?

Mr. Stadelman: I am no expert in desalination myself, but I can certainly look into it for you. I would be pleased to do so. I myself have not spent much time with or been concerned about desalination in itself since it really is not a problem for Ontario. We have such vast quantities of clear water.

Mr. Chairman: Vote 2204? Carried?

Mr. Peacock: One last question: Can Mr. Stadelman tell us, on the research that he has been discussing this evening, particularly on waste water treatment, do the results of that research go directly to OWRC?

Mr. Stadelman: No, in the work we are doing for Central Mortgage and Housing, we report to them because they are the contractor's party presumably available to the general public there. The work we do in Nova Scotia is reported again to them and presumably is available.

The people at our place, of course, know the people at OWRC. I do not think there is anything that we have that they would not know of really.

Mr. Peacock: They know of this recycling process and they are watching its development?

Mr. Stadelman: Oh yes, I am sure.

Vote 2204 agreed to.

On vote 2205:

Mr. Chairman: Ontario Economic Council. The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): The minister, perhaps somewhat typical of the political imbroglio in which he finds himself, has an entity called the Ontario Economic Council which is completely effete and inept. You know, it reminds me of what we will be talking about tomorrow, the role of the provincial auditor.

Over the generations, since men first came down from the trees to set the government in power in Ontario they have managed to surround themselves with a cozy, to say the least, a very cozy number of subservient powers. Whereas every other province in this country, including the federal government, has some kind of an independent agency to survey, give a critique of, ask some points and questions about, give you some guidance in, to play more than merely an advisory role, to participate in the contemporary series of economic planning; in every other province you have it. This is nice. You have nobody who will hold you up for pillory; you surround yourself with this blanket; you swaddle yourself. Why have we not got an economic council in this province that will exercise some of these disciplines, some of the role, as does the Economic Council of Canada—Lord bless it in its pusillanimity? Nevertheless, that is the core: it would be the federal government. How can you really achieve any degree of objectivity of that kind of criticism, that kind of circumspection that is so necessary for a government that has been too long in power, unless you house teachers and agencies?

Hon. Mr. Randall: That, of course, is one man's opinion.

Mr. Lawlor: I beg your pardon?

Hon. Mr. Randall: "Too long in power," in one man's opinion.

Mr. Lawlor: I am afraid all these things are one man's opinion.

Interjections by hon. members.

Mr. Yakabuski: Do not bet on that.

Mr. Lawlor: Having spoken of the somewhat incestuous relationships that you enjoy with your various agencies in the province and your failure to have an arm's-length relationship, therefore it will be part of your total downfall not having this kind of objectivity built into the system, and the minister himself being a kind of panjandrum of pro-

motionalism, an errand of sweetness and light, laying his hands on everybody's foreheads, telling us in a somewhat Babbitt fashion just how kind people we all are and how deeply we are liked, and all that sort of thing. Oh, he sets up these councils; he has got 21 people on the council. It is supposed to be a cross-section of industry, labour and management, but it has no functional role to play. It is a public relations gimmick, and practically everything he does in the department is. It is a promotional stunt and has little validity, and it is high time that the council is taken under some degree of fire. I think you should wipe it out; it has performed no useful function whatsoever except in a single instance. This year it happened to produce under the regimen of the secretary, Mr. Ian Butters, a worthwhile document.

It almost stilled our voices when we discussed among ourselves, up on the third floor, what we thought of the economic council. We said, really, in the light of the forestry statement, which is the first valuable piece of document to emanate from that council, is this the light of the dawn of better things? This was, I think you will agree, Mr. Minister, a document of considerable worth, at least it was here; at least it tried to assess in a really valid way what had happened to the forestry of the province of Ontario, slight as it may be. It was not really profound but, considering the Brody report and half a dozen other documents, it went much further both in terms of policy issues and in real impact. What have you, therefore, got going for you at the present time in the economic council?

I would think that perhaps, innocuous as the council may be, it should be studying the impacts of automation as that is within its internal structure. It ought to have a series of subcommittees on its own initiative. Its own initiative would give to the minister and working through—as in the case of the Quebec Economic Council—what it calls working groups made of senior civil servants largely, in conjunction with university people who, getting together, give it the initiatory policies which they bring before the minister. To what extent is that done here in this province?

Apart from that, in the case of, again, the Quebec council which was set up before yours, it is a council with some teeth in it. It is a council dedicated to the concept of economic planning as such. In that council they have linked to the council by statute associate members who are either cabinet ministers or deputy cabinet ministers. They

are part of the council as associate members representing key government offices, such as trade and industry, agriculture, natural resources and youth. We have nothing, as far as I know, comparable to that, with respect to the economic council. It floats on its own.

Hon. Mr. Randall: Would you say the Quebec council is a successful one, when Mr. Bourassa is going to fire about 90 per cent of them? We see what happened down there financially and economically and a number of other—

Mr. Lawlor: In this kind of liaison and this kind of relationship between ministers of the Crown, five ministers of the Crown and the economic council, I say that you enjoy the seats of the mighty. They only report to you. To what extent is there liaison set up between them and other ministries of the present government?

Hon. Mr. Randall: They rule the entire spectrum of ministers.

Mr. Lawlor: Yes? To what extent is there consultation? In the Quebec case, at least, this is a feature that seems to me to have validity. The ministers sit in the council.

Hon. Mr. Randall: But it has not worked.

Mr. Lawlor: It has not worked?

Hon. Mr. Randall: No.

Mr. Lawlor: Well at least it is not the kind of make-believe and dance that you have here with—

Hon. Mr. Randall: Maybe ours is the practical approach that works.

Mr. Lawlor: And what results have you got from the Ontario Economic Council?

Hon. Mr. Randall: Oh lots of results.

Mr. Lawlor: Come off it! This kind of document here, "Research Index for Ontario," sets up a long list. Any group of three people getting together, and paid out of the statistical department say of the Treasury, would be able to compile these indexes and this sort of thing. I say there has only been one document ever come out of that council which had any punch or any purpose, and that was that forestry study.

Hon. Mr. Randall: Have you read them all?

Mr. Lawlor: Oh, not them all. No, I have a pile of them before me. I collect them like

a hope chest. Hope burns eternal in the human breast.

Hon. Mr. Randall: I collect the scalps of the opposition.

Mr. Lawlor: You too! We only live in hope and auto-suggestion. But you know, I do not despair about the council. I say there is still hope there, or if I took a second position, I would say that had it been particularly hopeless I would ask you to get rid of it. Really, what function does it perform as far as you are concerned? It is a fellowship, a get-together of these individuals. I understand at the most it meets five times a year. It is a very lackadaisical, easy-going outfit where a few individuals down below do the spade work. I think that you should, at this time in the history of the council, either give it some purpose, put some life into it, or get rid of it, one or the other.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick (Riverdale): Perhaps the minister would enlighten me on how the housebuilding project in Moosonee is coming?

Hon. Mr. Randall: I will let you talk to Mr. Cranston. He will speak on that. He has been up there.

Mr. W. H. Cranston (Ontario Economic Council): If I may refer to my notes extensively on this just so I am quite certain that I am on base, I have just come from a meeting this afternoon on this particular project.

Mr. J. Renwick: Really, Mr. Minister, all I wanted to know is how many of the 10 houses have been completed?

Mr. Cranston: Five of the 10 houses have been completed. Two are being moved into this week. The balance of the five are being discussed, at the present time, with a view to seeing how they are being allocated and put together. We think that they are likely going to be done by the NISGU corporation. The materials are all on hand on the site.

The problem has arisen primarily because the Ontario Housing Corporation has come in with 15 houses plus 20 houses on low-rental. The Indians who worked on the initial project have completed their work to get their own housing. As a rather interesting offshoot, on this particular project, up to 18 members of the Indian community went off relief this past winter, cutting lumber in conjunction with this particular project.

We cannot say that it has been wholly successful. It was an experiment. We said this

initially. We are quite confident, however, that we will have the 10 houses in the not too distant future. As I say, two of them are being moved into this week; five are completed and the materials are all on hand on site. We have been held up a little bit by changes in jurisdiction in the Ontario government as between departments, but in consultation this afternoon with Mr. Warren, the new deputy minister of citizenship, under whom Indian development now comes, final arrangements are being worked out for the allocation of the remaining housing.

Mr. J. Renwick: Mr. Chairman, it is just not good enough. The Ontario Economic Council is going to get out of that house-building project; the sooner they get out the better. You are talking about 10 houses. As I understand it, if my memory serves me correctly, the floor space is 30 by 20 feet in the wooden houses to be constructed, and I criticized this in the House at the time. Last September or early in October, when I was there, there were three or four of them started at that time; here we are in the end of May and the economic council has the nerve to come in front of us and tell us that somehow or other this is a well worthwhile pilot project.

It was a shattering theory, and I think that until this government is prepared to do something about—

Interjections by hon. members.

Mr. J. Renwick: All I am saying simply is the construction of 10 houses—30 by 20 is 600 square feet—under the auspices of the Ontario Economic Council has been a total and abysmal failure.

Hon. Mr. Randall: We do not agree.

Mr. J. Renwick: I assume from what the Minister of Citizenship and the Provincial Secretary (Mr. Welch) had to say the other day that somehow or other it is going to be turned over to his department and carried on to some kind of completion. Is there any indication of the economic council having concerned itself about the housing plight of the other Indian families in the area across the river in Moosonee?

Hon. Mr. Randall: The Ontario Housing Corporation is looking after that. There were 15 built last year. There are 20 more to go. That is what has been requested. And, keep in mind this project was a sweat project by the Indians themselves; perhaps you should hear what happened to the Indians them-

selves and perhaps you would change your mind about their contribution.

Mr. J. Renwick: Did you ever lend them a truck?

Mr. Cranston: Yes, they did get the truck. They got the truck at the time we said they would get it.

Mr. J. Renwick: They did not have the truck when I was there. Four houses were under construction then.

Mr. Cranston: Pardon me, sir, they did have a truck at that time. They did not have a fulltime truck at that time. They now have a fulltime truck.

We are not suggesting that this has been a 100 per cent good project. We have had problems with it, and we knew we were going to have them when we went in there. This was to find out, really, whether the Indians were concerned with building their own houses. They told us they were. They asked for it. We did not make this up.

This is not an economic council idea, and I might say that this whole thing was reviewed recently with the head of the federation of labour in this province, with the head of the steelworkers and other people in the labour union movement, and they gave us the unanimous approval to proceed on this basis and to give it a further try. If you would like to question Mr. Dave Archer or Larry Sefton or others on this point, they are quite open to questioning.

Mr. Peacock: Why should we question them?

Mr. Cranston: Because they are members of the council.

Mr. Lewis: It is a shambles.

Mr. Cranston: They do not consider it is a shambles; that is what I am trying to say.

Mr. Peacock: Why should we ask those individuals in particular?

Mr. Chairman: Is the hon. member for Riverdale finished?

Mr. J. Renwick: I just wanted to make one further comment. If you were living in that part of Moosonee, and somebody came along and said, "Would you like to build yourself a house?" you would have no alternative. The housing accommodation is rotten in that area. You know that as well as I do, and I would suggest that this particular project,

which has been limping along for some time now—it must be just about a year since it was originally announced and there are but five of those houses completed at this time—if that is any indication of the kind of economic activity that the economic council wishes to promote, then I think they had better get out into some field where they are competent to deal.

Mr. Cranston: Well, I would like to point out to the member that the people who worked in these houses did so after 5 o'clock at night and on weekends while holding full-time jobs during the day; therefore, they are not fulltime contractors who were able to do this. This is what they asked to do. We were trying to give the Indians the opportunity of doing what they wanted to do.

The people who put up these funds for this again included a large cross-section of industry, labour and churches in this province. We want to give them this opportunity of trying this. We were sceptical, to some degree; we are still sceptical to some degree. There is no argument about that. This is not the easiest thing in the world to do, and we have made, in some respect, a failure of it. It was an experiment—an attempt and it was an attempt done in good will.

Mr. Chairman: The hon. member for Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): One of the things the opposition has probably overlooked here, and I think it is one of the key developments in the north, is allowing the local people to solve their own problems in their own way.

Undoubtedly one of the major successes in the Arctic with Eskimos and other native groups has been the fact that the Eskimo co-operatives in that region have been allowed to do the contracting for major projects involving several hundreds of thousands of dollars on such things as provincial schools and other public housing units. I am very encouraged by the fact that the government of Ontario is encouraging Indian tradesmen to use their skills on such projects. Hopefully, I would like to see co-ops on reserve lands encouraged to tender on projects and build housing, when they become strong enough.

One of the things that really bothers everybody in the north about the acceleration of schooling for children is the job opportunities that are going to be available for these children. When they graduate from the vocational, technical and other secondary

and post-secondary institutions here in the south, what are the job opportunities in their own communities for them when they return? One of the most devastating things morally for many of these people is to see, when employment opportunities do arise, that tradesmen here from the south are parachuted in when there is local labour available to do the job adequately.

Mr. Chairman: The hon. member for Victoria-Haliburton.

Mr. R. G. Hodgson: Mr. Chairman, I believe this is a worthwhile project.

In the Rama reservation near Orillia 25 years ago the returned veterans in the Indian reservation undertook a project just the same as this. And the result there was that they have a very nice community of small houses, and they have a pride in them which is not in other communities where the houses were provided for them. When they provide their own, they seem to have a pride in it. I think that the Rama reservation is a credit to the Indian people of this province and a credit to this province itself.

I know the Moosonee thing would have some inherited problems because, first of all, you have to train the tradesmen, such as carpenters and all the sawmill workers and things of this nature, before you start to get production on any worthwhile basis. And I know that, while it may not get off the ground in a hurry, as a lot of people would expect, the end result will be that you will have a trained Indian workforce to build houses continuously thereafter.

I think this project alone will be worthwhile in this way—that you will also have people you can send to other projects and explain what happens and people trained to start such projects in other Indian communities. The overall result will be that you have to have a trade school or training school someplace, and this may be just as good a place as any.

I want to talk to you a bit about the forestry study that was turned out. I think the forestry industry in Ontario has been in trouble, not only just this year but it has been in trouble for about three years; at least, it became apparent about three years ago.

It became apparent for several reasons. One of them is, I suppose, that the forestry industry is one of the most automated of any industry in recent years. I think part of their problem is that they are all in debt-buying machinery in order to keep up to date with

the progress that is being made in that particular industry. I think that your sawmills are becoming very expensive items and whereas you could buy a very good one for about \$25,000 30 years ago, today we are talking in the neighbourhood of \$200,000 or \$300,000 at the very minimum for a very small sawmill, and maybe \$750,000 to \$1 million for a fairly large one. The forest industry itself is getting into very costly operations because of this automation and the cost of equipment.

The other part of the problem is the trained work force. We have had a stabilized or reducing work force in the industry in Ontario and the ability of an aging work force to keep up to date with the training necessary to operate these machines is a very great problem. We have in the province of Ontario some very interested people in The Department of Education who are pursuing this at the moment. We have a very great shortage of saw filers; a very great shortage of planer mechanics and specialized people of this nature. These are not cheap jobs, they are jobs in the \$10,000-and-up range. Yet practically all of our recruitment is being made from the province of Quebec because of their school system north of Quebec City. The United States sawmill industry is recruiting from the same source, so there is a very high demand for these trained specialists. It seems to me that we in Ontario have to get into this very thing or else we are going to perpetuate the present problem of the forestry industry. I would urge the economic council to see what it could do with regard to The Depart-

ment of Education on these special lines because I think this is part of the answer.

The other part of the answer, I believe, is in reducing products, to their components. We are today hauling rough material to the cities of Ontario for manufacturing of furniture and other products. It seems to me that if these were reduced to components and handled very much like the car manufacturing industry, we could cut out some of the space costs of our industry in the cities that are very high and very costly.

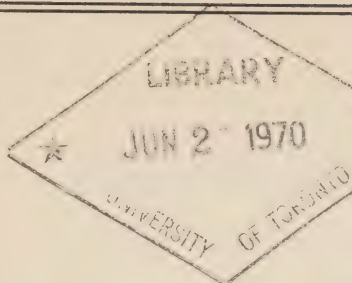
One of the problems that was raised and made a point of in the economic council's study of forestry was the cost of hydro in rural Ontario for such industry. It seems to me if you want to promote development in the forest industry you have to work with the Hydro in lowering these rates and making them comparable, if you are going to be able to assist the forest industry.

I was very pleased with the report put out by the economic council. I do not think it had all the answers; I do not think it had an in-depth study of some of the areas that I would like to see carried out, but I do think that it scratched the surface. It has made a lot of people think, and if it has done nothing more than make the Ontario government think in the right way, I think it has achieved a very worthwhile purpose.

Mr. Chairman: It is now 10:30, so we will adjourn until tomorrow at 3:15 p.m. We are still on the same vote—2205.

The committee adjourned at 10:30 o'clock, p.m.

S-5



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION
Third Session of the Twenty-Eighth Legislature

Wednesday, May 20, 1970

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

WEDNESDAY, MAY 20, 1970

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (continued)

The committee met at 3:15 o'clock, p.m., in committee room one.

On vote 2205:

Mr. Chairman: The hon. member for Victoria-Haliburton.

Mr. R. G. Hodgson (Victoria-Haliburton): Mr. Chairman, last night when we rose, I wanted in my comments to really clarify one point that I made that might have left an impression that was somewhat wrong. I may have left the impression that Ontario was responsible for the home building project at Rama Indian reservation. It actually was the Indian affairs department of the federal government. This project was done by having the veterans of the Second World War apply themselves, along with the guidance of one or two carpenters hired by that department, who were teachers of the trade to those veterans on the job. I just wanted to make that point clear.

Mr. Chairman: Any comment on that?

Hon. S. J. Randall (Minister of Trade and Development): No, I am finished.

Mr. Chairman: The member for Grey-Bruce.

Mr. E. Sargent (Grey-Bruce): Mr. Chairman, under this *per diem* allowance, the chairman, W. H. Cranston, gets a *per diem* allowance of \$18,200. Is that a misprint or what is the reason for that?

Hon. Mr. Randall: No, it is no misprint. It was established by order-in-council at \$100 per day for every working day. Mr. Cranston spends almost five days a week here, sometimes six, when he goes out of town on economic council business. So, take \$100 per day and multiply it by 365 days or the equivalent, and you can see where the \$18,000 comes in.

Mr. Sargent: Why do you not put him on a salary?

Hon. Mr. Randall: We think this is a better way of handling it.

Mr. Sargent: Why is it? It is a more lucrative way for him.

Hon. Mr. Randall: I do not think it would make any difference. Mr. Cranston, as you know, is retired from his former business and felt that if he wanted to take a day off, he would take a day off. So he gets paid for when he is working. I think it is better for the government on this basis. If he wants to go fishing once in a while, why, that is his privilege.

Mr. Sargent: So it is his choice?

Hon. Mr. Randall: I think we might consider it for the next chairman we get, Mr. Sargent. If we change chairmen one of these days, perhaps we should look at it on the basis of a permanent appointment and permanent salary.

Mr. Sargent: You could not have got a better man, I do not think.

Hon. Mr. Randall: We agree with you there.

Mr. Chairman: Mr. Newman, Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Yes, Mr. Chairman. I wanted to ask the minister if the Ontario Economic Council does study or has studied the effect of wage parity on our economy?

Mr. W. H. Cranston (Ontario Economic Council): No, Mr. Newman, we have not specifically engaged in that particular study. This has been a matter of splitting up our studies between the Treasury and other agencies of the government. We try not to duplicate anything that is being done elsewhere, and that was not one of the study areas which we have probed.

Mr. B. Newman: Was it studied by the other departments of government then, to your knowledge?

Mr. Cranston: Not to my knowledge, I am sorry. It may well have been, but not to my knowledge.

Hon. Mr. Randall: I might say when I had Economics, we looked at the wage parity situation, but did not make any detailed studies. Whatever information we had we passed on to the Treasurer and now he has Economics in his department. Whether they are carrying on any studies or not, I would not be sure. I do not think so.

Mr. B. Newman: I was just wondering what effect would it have on the smaller industries throughout the province now that the auto industry has gone in for wage parity. Has it had a beneficial effect, or a harmful effect?

Hon. Mr. Randall: I do not think it has had a harmful effect. I think, in the long run, it tends to increase wages for the workers. Everybody strives for the best and if you get wage parity in the steel industry and the automotive industry, I think many of the parts industries supplying the automotive field are moving toward that higher wage.

Mr. B. Newman: May I ask of the minister, if this department is studying the latest suggestion from the labour unions of 30 and—in other words, after 30 years of employment, a retirement benefit of approximately \$500 a month?

Hon. Mr. Randall: I think The Department of Labour is looking at that. We are not looking at it.

Mr. B. Newman: You are not looking at it at all?

Hon. Mr. Randall: No, not at the present time. That has just come about.

Mr. B. Newman: The economic council does no studies whatsoever as to the effects of the various subjects that I have mentioned on the overall economy of the province?

Hon. Mr. Randall: The economic council works for any minister in the government. If any minister has a specific problem that he would like to be undertaken, he can get in touch with me or the chairman and have that problem undertaken by the economic council.

Mr. B. Newman: I see.

Hon. Mr. Randall: He works for all the ministers.

Mr. J. R. Breithaupt (Kitchener): Mr. Chairman—

Mr. Chairman: Just a moment; Mr. Hodgson, Victoria-Haliburton has the floor.

Mr. R. G. Hodgson: Mr. Chairman, I wondered if the department and the economic council itself had done any studies with regard to the changeover to the metric system?

Hon. Mr. Randall: The department itself has been working with the federal authorities on standards which involve the metric system. Mr. Clarkson has been a member of that committee. In fact, I am a member of the committee; Mr. Clarkson has been sitting in for me to date. It is still in the discussion stage. We are fully informed as to what the federal authorities are endeavouring to achieve in the standards study.

Mr. R. G. Hodgson: Are we hopeful that we will be able to proceed at the pace required?

Hon. Mr. Randall: I think it is a little premature to make any decisions yet. I firmly believe, from what I understand from the meetings that have been held so far, they are making progress. But how quickly they are going to come to a decision, I do not think has been defined yet.

Mr. R. G. Hodgson: Thank you.

Mr. Chairman: The hon. member for Kitchener.

Mr. Breithaupt: Mr. Minister, can you give me the breakdown of the maintenance costs and how the figure of \$113,500 was arrived at for the Ontario Economic Council?

Hon. Mr. Randall: Yes. Communications, \$15,000; furniture and equipment, \$12,000; printing and stationery, \$48,000; *per diem* allowance, \$20,000; and research and so on, \$86,000; for a total of \$113,500. The big one is research for some of the studies; for instance, the fourth-year study we discussed yesterday and a number of others that have been made for various ministries.

Mr. Breithaupt: Are these studies for which you contract, or are they studies provided by the membership of the council on the permanent staff?

Hon. Mr. Randall: They could be both. I will ask Mr. Cranston if he would like to discuss this.

Mr. Cranston: The hon. member has asked a question here relating to contract versus in-house research. Some of the people we have on staff are on contract, although they are operating inside our own offices. We have a staff of only five people on a permanent basis, plus our stenographic and filing personnel, which is another five. Therefore it is a little difficult to break this down between the two, because certain of those charges are against people engaged for special purpose studies.

For example, we are just completing one now on the problems of integrating into the community of Ontario, the 1,750,000 immigrants who have come in since the Second World War. Part of that work has been done by people on contract, part has been by specialists who have been brought in for that particular subject from social welfare agencies and so on. Some of them are university personnel.

Mr. Breithaupt: Would you be good enough to explain to me the difference between the *per diem* requirement of \$20,000 and the research of \$86,000? I am wondering what are the classifications of expenditures in those two areas?

Mr. Cranston: I believe the *per diem* account here largely relates to the chairman.

Hon. Mr. Randall: That is right.

Mr. Cranston: And if I might make a comment to Mr. Sargent in that connection. The problem here is that I perform a couple of jobs for government, two or three of which are unpaid, but I choose to have it that way. There has not been very much fishing and the balance of it is chargeable on a *per diem* basis.

Mr. Breithaupt: So basically, it is your own drawing that comes out of the *per diem*.

Mr. Cranston: That is right. I have not been at the \$20,00 level. As a matter of fact the economic council budget for this year, despite all the salary increases we have gone through on staff, is considerably lower than it was five or six years ago. We have been able to undertake certain shared cost projects with the federal government. We have also been able to find the generation of funds in other ways to help us carry on some of our work.

Hon. Mr. Randall: If I may just correct a figure I gave. The first three figures were \$1,500, \$1,200, and \$4,800—not thousands.

Mr. Breithaupt: I thought you were going to wind up with an awful lot of furniture and equipment eventually.

Mr. Chairman: Vote 2205. Mr. Smith, Nipissing.

Mr. R. S. Smith (Nipissing): Mr. Chairman, I would like to ask Mr. Cranston a question in regard to the forestry study of the economic council. I think Mr. Hodgson covered a bit of this last night when I was in here for a few minutes. There is quite a discrepancy between your report and the figures of The Department of Lands and Forests in regard to the usable cut in the province that is at the present time being used. I think your report says two-thirds is unused, and The Department of Lands and Forests says less than 50 per cent. I wonder how you arrived at this figure?

Secondly, I wondered how deep a study you had done into the question of hydro-power rates, electric power rates, in regard to the pulp and paper industry and what effect it is having on the creation of new pulp and paper investment in northern Ontario?

Mr. Cranston: I think the problem may largely arise in respect of the differential between our figures and those of The Department of Lands and Forests, in that they are speaking only of conifers. We are speaking of all species. In every instance the figures were checked against their figures and they have not in any respect stated that we were off-base in the figures we put forward in terms of the cut which is not now being made.

In respect to hydro electric rates and consumption of power, these are DBS figures—federally, in the main. The extent to which hydro electric rates—which are uniform, basically, across the province, as you know—are impeding future development of resource industries in the north is anybody's guess; except that we do know that in certain other areas and other jurisdictions—I am not talking necessarily of Canada here, but of outside Canada where we have a competitive situation in places at times—there are inducements offered which put potential manufacturers coming into Ontario wood products at somewhat of a disadvantage.

We have asked here and we have had discussions with the hydro electric power

commission that before any further upward revisions are made—in the light of the fact that the woods industry is such a large consumer of power right across this country and certainly in this province—there be very serious study of the possible implications to individual users of any increase in rates.

I do not need to refer you to examples other than some of the situations at the Lakehead and in northwestern Ontario, where they have shifted from partially private operated plants into the hydro electric system with a consequent considerable divergence in cost, to illustrate the point you were trying to make.

Mr. R. S. Smith: You also indicated in your report that the council felt the cost of power should be used as an economic tool to direct industry into certain areas of the province as a part of the whole area of regional development. Could you be more specific on that?

Mr. Cranston: I think that the hon. member may have misread that a little bit, although understandably so.

We said that this should be considered as a possibility. The policy of the government at the present time, and of the hydro electric power commission, is not such. On the other hand, if one is to look at the land lying in the northern part of our province, I think many people might agree that some inducements beyond those which are now in effect may be required, particularly when you are talking about such a large and so far economically unusable surplus of wood, which is found north of the northern line of the railway in the province of Ontario.

At the same time, we did point out that perhaps the greatest immediate potential to development is in the northeastern and northwestern parts of the province where the situation does not apply.

Mr. R. S. Smith: Where the hydro cost does not apply?

Mr. Cranston: Where this is not the prime factor; the factor there is to a considerable degree one of handling the effluent from the mills satisfactorily that you do not cause a degree of pollution which is undesirable to the people living in the area and to the entire province.

Mr. R. S. Smith: May I direct a question to the minister, Mr. Chairman, in regard to this? Since the economic report on forestry came down in the first week of February, has there been discussion within the government in regard to the recommendation—I will

call it—of the council to use the power rate structure as a method of inducement for industry in that specific type of production, or to better the competitive position of the present industry on the world market?

Hon. Mr. Randall: Not to my knowledge. There has been no discussion.

Mr. R. S. Smith: Do you intend to do this?

Hon. Mr. Randall: I could not answer on government policy.

Mr. R. S. Smith: No, but do you intend to discuss it with government?

Hon. Mr. Randall: I do not know. I would think that they have all had a chance to read the report. It is a matter, I suppose, of northern members and cabinet ministers getting together and seeing if it could be used as an inducement. But there has been no discussion to date.

Mr. R. S. Smith: What is the purpose of having these reports if there is not going to be any discussion on them within government?

Hon. Mr. Randall: They are independent reports; each minister gets a copy, and if he feels it should be brought forward and made government policy, he brings it forward. The Hydro, as you know, is facing some very difficult situations at the moment in meeting its power needs and finding sufficient capital to extend its power facilities all over the province, and there have been many discussions with regard to power rates but not directly related to this report.

Because you get a report does not mean you rush out and it becomes legislation immediately. I am always thrilled with the reports we get from all sources and by guys who write books, but we do not have to implement the books or the reports. These reports are helpful in many ways, but there are some things in the reports which you cannot adopt, and this province as yet has not agreed to use power rates as a means of subsidizing certain types of industry, so there has not been any discussion here.

Mr. R. S. Smith: As far as you personally are concerned, as far as the Minister of Trade and Development is concerned, there will be no consideration given to the recommendation of the economic council?

Hon. Mr. Randall: I would not say "never". I would say at the present time I would not give any encouragement to it,

because I know the difficulties that the Hydro are going through at the present time.

Mr. V. M. Singer (Downsview): Well, as the minister responsible, do you like this recommendation or do you not like it?

Hon. Mr. Randall: Do not put words in my mouth. I like—

Mr. Singer: No, I was asking you to put words in your own mouth.

Hon. Mr. Randall: I like all recommendations, Mr. Singer, but if the recommendations cannot be utilized without creating some heavy expenses in another department of government or another agency, then they cannot be used. And I do not think at the present time, with the power rate structure the way it is, that they can afford to subsidize these industries. On the other hand, we have now appointed a minister of mines and northern affairs. Perhaps he will come back with some recommendations that may be accepted.

Mr. Singer: I think it is important that this minister, who is the minister responsible for this agency, tell us whether or not he thinks this is a recommendation that is worth pushing or whether it is not.

Hon. Mr. Randall: At the present time, I would say it would not be acceptable, and I would not be in a position to push it.

Mr. Singer: All right. Now you have put the words in your own mouth. That is fine.

Hon. Mr. Randall: I would simply say it cannot be discussed.

Mr. Singer: That is fine. Just do not sit on both sides of the fence at the same time.

Hon. Mr. Randall: Well, I know you have all the answers—

Mr. Singer: No, no. You are the responsible minister; you should tell us what your opinion is.

Hon. Mr. Randall: I know, but you make all the decisions over there, and you do not have to solve the problem.

Mr. W. G. Pitman (Peterborough): It is not because he does not want to.

Hon. Mr. Randall: He has got the ambition.

Vote 2205 agreed to.

On vote 2206:

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: I would like to ask the minister the total cost of our involvement in Expo.

Hon. Mr. Randall: The total cost of Expo—for the total completion and its expenses for 1970-1971—will amount to \$2,878,355.17, and we estimated \$2.6 million to \$2.7 million. We will get back salvage in the amount of about \$845,500, including a lot of equipment that can be used in Ontario Place. So we are talking roughly \$2 million for what we consider to be the Expo 70 project.

Mr. Sargent: In the estimates, Mr. Chairman, all I can see budgeted is \$1.3 million in 1968. Where is the balance of the money?

Hon. Mr. Randall: Well, there was \$1,108,355 in 1968-1969, \$1,365,000 in 1969-1970 and \$405,000 this year, bringing it to the estimated \$2,878,000.

Mr. Sargent: To pay off the balance of the bill?

Hon. Mr. Randall: Pardon?

Mr. Sargent: To pay off everything.

Hon. Mr. Randall: Yes, that is to operate from now until September 15 and to tear down the building, bring the staff home and close out Expo 70. It will be toward the end of the year before that will be completed. So the \$405,000 voted this year is for current expenses and to close the building when the fair is over on September 15.

Mr. Breithaupt: The building will be demolished, will it?

Hon. Mr. Randall: Yes. We have \$60,000 in the estimates to demolish the building. But it is a good structure, and if the Japanese come along and make us some kind of an offer, as they did down in Montreal—of course, in Montreal the building was given to Mr. Drapeau for \$1, because it was a different type of building; this one, we still say, is a temporary building—however, if the Japanese find they want to use it, I do not suppose we are going to argue too much. If we save \$60,000 and they want to keep the building, I do not think we are going to argue too much.

But, as a rule, the Japanese have torn down most of their temporary buildings and used the space for housing, and there is housing all around that area, as I am sure

some of the members have seen who have been there. I do not think they are in favour of having a "son of Expo" when this is all over, so I would be inclined to believe that we will be asked to tear the building down and we provided for it.

Mr. Sargent: Mr. Chairman, in the 1968-1969 estimates I cannot see any more than \$125,000. Was that a treasury order, the money you speak of?

Hon. Mr. Randall: \$225,000 was the Treasury Board order.

Mr. Sargent: Well, all you had budgeted in 1968 was \$125,000. I want to see where the authority came from to spend that amount of money.

Hon. Mr. Randall: Well, the authority came from an order-in-council to go ahead with Expo 70 on the basis of around \$2.6 million or \$2.7 million, and the funds were advanced to get the project under way in 1968-1969, 1969-1970. That is where the authority came from.

Mr. Sargent: It was not passed in the estimates then?

Hon. Mr. Randall: Well, a portion would be included in last year's estimates, I would assume. There was money in last year's estimates for Expo 70. In 1969-1970 it was \$1.14 million.

Mr. Breithaupt: Included as well, there were expenditures in 1968-1969—

Hon. Mr. Randall: \$225,000.

Mr. Sargent: I see here the figure is \$273,000 for Christopher Chapman Limited. Is that full payment for the film? Page 22-7 of the 1968-1969—

Hon. Mr. Randall: And what was the figure you were looking at?

Mr. Sargent: Under miscellaneous; Christopher Chapman Limited, \$273,000 and a further amount of \$533,000 to Takanaka Comutin Company.

Hon. Mr. Randall: I think we have pointed out that \$273,000 was the final payment to Chapman for the Expo 67 film. First payment for Expo 70 and Takanaka was the payment for the construction of the building. That was the construction company.

Mr. Sargent: Was Parkin part of that?

Hon. Mr. Randall: Yes, Parkin is down on there for \$40,032.19. He was the leading

architect, in the building and Takanaka was the builder. Parkin designed the building and Takanaka built it.

Mr. Sargent: What is the total cost of the film?

Hon. Mr. Randall: The film is \$698,062.50.

Mr. Sargent: \$700,000.

Hon. Mr. Randall: Yes.

Mr. Sargent: And your plans are to use that again back in North America here.

Hon. Mr. Randall: Yes, the same thing we did for Expo 67. The Expo 67 film is now playing in Japan at the public theatres. It has played to roughly 125 million people since then.

Mr. Sargent: May I ask, Mr. Chairman, in the estimates of 1968-1969, where I got the same figures—there is an amount of \$400,000 for Foster Advertising. Are they in the act here someplace?

Hon. Mr. Randall: No, that has nothing to do with Expo 70. They are an advertising agency for domestic and international advertising.

Mr. Sargent: So, how do you spend \$400,000 with Foster? What kind of promotion—

Hon. Mr. Randall: That is a different vote entirely. We approved something here today, I think. We went over \$800-and-some-odd thousand this year, for advertising, and you say, "How do you spend it?" An advertising agency spends the money and we reimburse them and they get, I think, 15 per cent—

Mr. Sargent: I know, I know, but what kind of promotion is that for?

Hon. Mr. Randall: That is for our domestic and international ads, radio and TV and all the artwork required to design our ads and have them ready for production.

Mr. Chairman: The hon. member for Downsview.

Mr. Singer: Mr. Chairman, I have a series of questions I want to ask about the exhibit in Osaka. The first point that comes to mind is the \$60,000 figure for tearing the building down. When was the contract signed for that work?

Hon. Mr. Randall: I think it was signed in 1968.

Mr. J. W. Ramsay (Special Projects Branch): When we concluded our contract with our Japanese contractor, we put in a clause asking for a bid on the demolition and they gave us a fixed bid if we decided to exercise it, of \$60,000 on the demolition of the building. We were required by Expo regulations to level the site and return it to its original condition.

Mr. Singer: I understand that, but when was the actual commitment for the payment of the \$60,000 made?

Mr. Ramsay: We have not yet made the commitment.

Mr. Singer: I see. Is it not true that in most contracts that were let for buildings in Expo, the contracting countries provided with the builder that the building be destroyed at the end of the fair and that it was a complete package?

Hon. Mr. Randall: That is what we have done.

Mr. Singer: No, you have not done that.

Mr. Ramsay: We have it in as an option. We were the first pavilion to sign a contract with a Japanese contractor. Going on Expo 67 experience where a lot of pavilions had, in essence, agreed with the contractor on a fee and paid him the fee for the demolition of the building and then found, when they gave the building to the city of Montreal, that the contractor kept that extra money, we opted for an option.

Mr. Singer: I see. Well, is it not true that most of the other pavilions were able to take advantage of binding themselves in advance and escape the cost of \$60,000 which Ontario has to now pay?

Hon. Mr. Randall: I do not think they escaped. It was included in the price of their building, as Mr. Ramsay just pointed out. The buildings have to come down according to the rules of the World's Fair, and if they paid in advance and the building does not come down, they do not get a refund of money, which happened at Expo 67. In our case, we made it an option, as Mr. Ramsay pointed out—if the building does not come down, we can save \$60,000.

Mr. Singer: I see. Is there any other building that you know of where there was not a provision for the destruction of the building by the contractor who put it up?

Hon. Mr. Randall: Well, I do not know of any, unless Mr. Ramsay does.

Mr. Ramsay: Again, I think it is the requirement of the Expo regulations that it is in everybody's contract, but again we let—

Mr. Singer: Yes, the contract with Expo, but not the contract with the builder.

Mr. Ramsay: Well, under the contract, the Bureau of International Expositions lays down the regulations, many of which are incorporated in everybody's contract, and one regulation or requirement of every world's fair is that when you agree to go in—this is a standing regulation—you also agree to take down your pavilion. Montreal was the first fair that went as far as it did.

Mr. Singer: I recognize that. What I am suggesting—perhaps I have not been explicit enough—is that because you did not make provision in your original contract with the builder for the destruction of the building at the conclusion of the fair, as you are obligated to do by another contract, you have, in fact, cost the province another \$60,000 because you have to go back and sign a new contract—

Hon. Mr. Randall: No, no, not at all. You do not think a contractor would be stupid enough to go ahead and build a building and undertake for free, for the same price to build it, to tear it down. No contractor would be that stupid.

Mr. Singer: No, but it would seem to me that you would be in a far better bargaining position if you signed it as a bundle, than if you had to go back and do it all over again.

Hon. Mr. Randall: Well, we signed it as a bundle, only we kept our option open to save \$60,000. The other guy signs the bundle and his money is down the drain. We will save \$60,000 if we do not tear it down.

Mr. Singer: If you do not have to tear it down; but you are obligated to tear it down.

Hon. Mr. Randall: Well, all right, we are obligated, but if they decide, in their wisdom, they want to keep the building, we save \$60,000. The other people do not.

Mr. Singer: Were there any documents signed obligating yourself to spend this \$60,000 in the last six months?

Hon. Mr. Randall: It is an option.

Mr. Singer: Have you exercised the option?

Hon. Mr. Randall: I would say that we would not exercise the option until the fair is over and then we will decide whether we exercise the option or not. If we have to

exercise the option, according to the rules of the world's fair, then we will have to exercise the option. But if the option is that we can leave the building up and walk away and not pay anything to tear it down, we save \$60,000.

Mr. Singer: Have you, in fact, in the last six months firmly committed yourself to the destruction of this building for which you are going to pay \$60,000?

Hon. Mr. Randall: Not unless the commissioner has done it; we have not done it from here.

Mr. Singer: Would the commissioner do it on his own without advising anyone?

Hon. Mr. Randall: No, I think the commissioner would get in touch with us.

Mr. Singer: Fine. Could you ascertain that before these estimates are through?

Hon. Mr. Randall: Yes, we would be glad to.

Mr. Singer: Specifically, instead of dodging around.

Hon. Mr. Randall: We do not dodge around. We would be glad to get the information for you. We are not trying to avoid anything, we are trying to give you the information you want, but do not act like a high-class lawyer; just ask questions and we will give you the answers. Just get down to brass tacks. We are all friends down here; do not try to pin us on the nose. We do not have any lawyers on our side of the House.

Mr. Singer: I wanted to make some comments about my impressions of the film. They are subjective, I grant you, and in light of some of the answers the minister has made, he obviously does not agree with me. But let me tell you what I thought of the film. I thought it was a bad film.

Hon. Mr. Randall: Okay.

Mr. Singer: It runs 26 minutes, which apparently is the longest film there. It starts off with fairly long extracts showing highlanders in kilts playing bagpipes; it has a long—

Hon. Mr. Randall: What have you got against the Scotch?

Mr. Singer: It has a long sequence of—

Mr. H. Peacock (Windsor West): It is the bagpipes.

Mr. Singer: —polar pictures with polar bears. It shows Niagara Falls in winter. It shows another long sequence which was recognized—well, I would imagine—by those who come particularly from the Toronto area, shows the Italian picnic on the Toronto Island. It has another long series of pictures of, apparently, county fairs where some old gentlemen are blowing brass tubas.

The impression I was left with having seen that film was that it was hardly representative of Toronto or Ontario to any kind of an audience, other than one that might have come from this province. It would seem to me that the film was certainly far less a success than the last one. When I was there I did not see those masses of applauding people which you told us about; I would not say that there never were any, but the place was very sparsely attended.

The people, the Japanese people particularly, who came did not stay looking at the film very long. It seemed to me that it would be very hard to portray any proper view of this province by the type of sequences that I have just described. I was very disappointed in it. Without disclosing any names, I talked to several people there who had seen it many times. They said that they were very disappointed in it, and efforts were being made to doctor it up.

Now, granted, no one in advance could tell about the success of any particular project; and granted that Chapman did an outstanding job for 1967; and granted he was being paid a lot of money. It would seem to me that discretion now being the better part of valour, it would be wise to withdraw this film and to substitute the film that is now showing in Japan—the 1967 film. I think it would have a much greater effect and portray Ontario in a much better fashion.

I do not think it is just highlanders parading in kilts or elderly gentlemen blowing brass tubas or an ethnic picnic on the Toronto Island. I think there is much more to it. I do not think Ontario is an Arctic waste, yet we saw all those series of pictures concerning the ice and the snow and the polar bears and the frozen Niagara. Ontario is a very pretty province—scenes of what is going on here in the springtime would have been most interesting; and far better for Ontario's image.

To my mind—and as I say it is subjective, and perhaps the minister does not agree with me—I was disappointed in the film. I would hope that some of Ontario's impression in Japan can be salvaged by replacing that film with the 1967 film.

Hon. Mr. Randall: I can assure you we have no intentions of replacing it. As far as the length is concerned, we did the same thing at Expo 67—the film was 22 minutes long; we reduced it to 17 to speed it up and take out the parts that we felt were dragging. We did the same thing with the one at Expo 70 and, for all the critics we have, we have just as many who are very enthusiastic about it. Here is one right here, Dorothy Michaels, who says:

The film which was shown in the Ontario pavilion at Expo 70 in Japan was proudly premiered by The Department of Trade and Development last night at Glendale Theatre. The pride was justified, for while the film differs from "A Place to Stand", the province's widely successful offering at Expo 67, it has a charm of its own and Chris Chapman, who was also responsible for "A Place to Stand", has included images of startling beauty which are sure to provoke discussion. He again uses the innovative techniques he pioneered in the earlier films, a large screen on which anywhere from one to 15 different pictures are projected. Having these pictures move around the screen is Chapman's special mark, not just the use of the split screen; he does things in his picture, that are still new three years after Expo.

The title is, "The Ontario Export Film To Be Proud Of".

Since you came home, and some of the changes you suggested have been made, we got a wire this week from the commissioner. He said:

NOTES TO THE MINISTER—CHAPMAN FILM HAS BEEN SELECTED BY EXPO 70 ASSOCIATION AS THE BEST FILM IN ITS CLASS HERE. FOR THE OFFICIAL FILM—

Mr. Sargent: It is the only one in its class.

Hon. Mr. Randall: Quoting:

FOR THE OFFICIAL FILM OF EXPO 70, WHICH IS NOW BEING MADE, ONLY CHAPMAN'S FILM AND ONE OTHER WILL BE HIGHLIGHTED. OFFICIAL EXPO FILM WILL ALSO FEATURE CATHY FAUQUIER. FROM TOTAL OF OVER 80 PAVILIONS, ONLY 10 HOSTESSES HAVE BEEN SELECTED TO REPRESENT EXPO AND CATHY IS ONE OF THE 10.

There is quite a story here but down on the bottom it said:

HOSTS AND HOSTESSES AND OPP CONTINUE TO BE OUR BEST INVESTMENT. I do not think you disagree with that.

Mr. Singer: No, I subscribe to that.

Hon. Mr. Randall: Quoting:

LANGUAGE TRAINING HAS MADE A REAL IMPACT ON VISITORS. ROBERT HUDSON, PRESBYTERIAN MINISTER WHO HAS BEEN ON EXCHANGE FOUR YEARS HERE, TOLD ME THIS WEEK HOW PROUD HE WAS TO HEAR OUR YOUNG PEOPLE TAKING PART IN ACTIVE DISCUSSIONS WITH THE JAPANESE VISITORS. FRIENDLINESS AND ENERGY OF OUR GROUP HAS MADE THEM LEADERS AMONG FOREIGN PAVILIONS; OUR MARCH 31 PARTY FOR HOSTS AND HOSTESSES—FOR THE PAST SIX WEEKS WE HAVE BEEN MAKING THE PAVILION MORE LIVELY BY INTRODUCING A GO-GO SESSION ON WEEKENDS. ITS PURPOSE IS TO GET JAPANESE TO PARTICIPATE. WE HAVE HAD GOOD TV AND PRESS COVERAGE.

Mr. Sargent: Why are you always running on about something? Why do you not say what you mean?

Hon. Mr. Randall: I quote: "Epitome of Expo's spirit." And quote: "The first participating Expo trend." And: "Now that MCV area is coming to life, we may have go-go sessions and invite participation by families on snow cruisers, canoes, etc."

I had a call from a friend who got back yesterday. They said that the snow cruiser—they have taken the controls off—the youngsters are piling into it getting their pictures taken. They want a birchbark canoe and a cedar canoe if we will send one over; the cedar canoe is so that the kids can get in and out of it.

The funny thing about the Japanese people is that the very things we think are corny, they think are first-rate. I am not trying to be facetious, I am simply saying we looked at it with our knowledge and thought what we are providing out there would be a showstopper. But there are certain things. The British Columbia pavilion has found this out; it and the Quebec pavilion, and the Canadian pavilion have all had to make a number of changes because the Japanese people just do not think like we do.

We thought we knew all the answers, but as far as the picture is concerned, it is being very well accepted, and I must say it is a picture for the Japanese people. It is not for you and me because you and I saw Expo 67 and perhaps we would not consider the Expo 70 film as good a film. It did not have the music; it did not have a lot of things that Expo 67 had, but on the other hand, it is designed for the Japanese people. Apparently they like it because there had been almost a million through the pavilion when I got this wire the other day.

I think we mentioned in here that so far we have had something like 950,000 people.

The total number of visitors to the pavilion up to the evening of May 14 is approximately 950,000. This is a very conservative estimate because estimates up to mid-April were based on theatre crowd only. Later estimates are based on numbers entering the pavilion.

If you read, I think it was the *Globe and Mail* this morning, there was a very scathing article about the way the Japanese people themselves were accepting their Expo. They were not as enthusiastic as the people in Quebec for some reason or other.

I do not know why they are not, but all I say is that we spent the minimum amount of money to make an impact for Ontario. I think, as you recognize, Ontario absorbs about at least 50 per cent of all Japanese imports but most of their—I was going to say most of their investment—we hope a lot of their investment will come here.

That is the reason we took a position at Expo and spent the minimum amount of money. I think the British Columbia pavilion was something close to \$4 million, the federal pavilion was \$20 million, so we kept ours down to a point where we think we have made ourselves a contribution to Expo. I agree with you; perhaps you and I do not think the picture is number one but the Japanese like it.

Mr. Singer: Well, as I say, that is subjective. I did not want to get into the other aspect, but since the minister has raised it, I cannot be too high in my praise of the staff that is there. They are good people, they are working hard, they are charming, attentive and create a good impression. The best thing about the Ontario building is the hostesses and the OPP and generally the staff that is there. They are topnotch.

Hon. Mr. Randall: We took six weeks to train them in Japanese.

Mr. Singer: I give you full marks for that. It is money well spent. I give you full marks for that. That is the most impressive part. Now you are expanding into sort of public participation, the go-go sessions and so on. That certainly will arouse some interest there and that is a good thing. But you talk about the snowmobiles and birchbark canoes, other participatory things. Those are brand new and were never originally conceived, but the fact is you will have to tear out half your building and replace it with these other things, because the first thing did not work.

Hon. Mr. Randall: No, we did not tear out half the building, as you will recall—

Mr. Singer: You redesigned—

Hon. Mr. Randall: The MCV was a long room with 9,000 images flashing on in 13 minutes and the people would not stand back long enough to look at it and the other pavilions found the same thing.

This has now been broken up into three sections, bigger pictures have been provided and more pictures of some of our manufacturing activities which we find they have an interest in.

This surprises us because we did not think they would have. We are doing the same thing as others are doing; we are modifying the building where we have to in order to make it more interesting for the visitors.

Mr. Singer: The fact is half the building has to be redesigned. You sent the people up a long narrow dark corridor with sort of rises in the floor. People were tripping over it.

They were walking into a mirror at the end. They were looking the wrong way. They were looking into the projection machine rather than at the pictures. They really could not see anything out of the projection machine, they had to look the other way, but there was nobody there to explain to them in Japanese what they were supposed to be seeing. To go back to the film—this is my particular concern—I do not think that that film really portrayed Ontario, the vibrant place that this is, the kind of attractive scenery that we have in the summertime or the springtime.

We are really not a polar country. We are not really a country that has only a great number of people gathering on a picnic over at the Toronto Island. Nobody bothered to explain that this was a particular kind of picnic that takes place once a year. This is really not—

Hon. Mr. Randall: Do you not think the Japanese people want to see what Canadians are really like?

Mr. Singer: My suggestion is that the assembly of these scenes did not show them what Ontario people are really like.

Hon. Mr. Randall: I disagree with you.

Mr. Chairman: The hon. member for Grey-Bruce.

Mr. Sargent: The names of display services are showing the effects of Hollywood.

An hon. member: Could we continue on the same point?

Mr. Sargent: This is on the same point. Dionne Park and Stewart Morrison and Lee Gendrama Productions—are they all part of the Expo costs, the film costs?

Hon. Mr. Randall: Yes. All the people used in the building of displays and completing the film. For instance, the Hollywood part there—I imagine that is the editing of the film in colour, is it not, Mr. Ramsay?

Mr. Ramsay: That was the rental of a machine brought up from Hollywood to do multi-image. This was in payment to this firm. We did all the work up here.

Mr. Sargent: In effect, this film, then, works out to about \$35,000 a minute. May I ask this in closing: Will this man Chapman continue to have an inside track on all your work in this department because of his success in getting in a blank cheque on this one?

Mr. Ramsay: For the Ontario Place displays, we have 300 film makers working. Chapman is not working on any of the Ontario Place films. He is doing films for the Hudson's Bay Company at the present time, so we intend to use a very broad spectrum of the film industry. We felt that in view of the success of Expo 67 we deserved a crack team at Expo 70. Since we got two Academy award nominations and an Oscar on the Expo 67 film we felt Chapman certainly deserved a crack at the Expo 70 film.

Hon. Mr. Randall: He may win an award—he may win some awards on this one yet. Again I say, maybe you and I do not appreciate it but—

Mr. Sargent: Who wrote the theme for it?

Hon. Mr. Randall: The music was written by William McCaulay—

Mr. Chairman: The hon. member for Humber (Mr. Ben). Do you have a question? The member for Renfrew South.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, I have been following the discussion here on the subject of the film, and I cannot help but think that after the tremendous success achieved and enjoyed by the film at Expo 67, perhaps we have created an image or standard that is so high it is hard to equal. I am reminded of—I think—the biblical film that Cecil B. DeMille produced many years ago. All the producers since then have tried in "The Robe" and

"Ben Hur" and many others to produce something equal, but everyone still looks back at that original biblical film as the one, and perhaps that is happening here with the case of our film this year for Expo 70.

I cannot help but be reminded also that away back in August or September, 1967—I don't know if it was the member for Downsview, or perhaps his leader—either or one of them or somebody from over there took the government of the province of Ontario to task for the film "Ontario" which was shown at Expo and so widely afterward. I recall, if you learn anything from past experience, that perhaps it is pretty dangerous ground for them to be digging up again, because I think they were severely rebuked at that time; the public would not buy any of that at all.

Mr. Singer: Mr. Chairman, on a point of order. The member for Renfrew South has attributed something to either me or my leader that is not quite true at all. The criticism levelled at that time—and it was levelled by me—was not directed to the film but was directed to its use as a political vehicle during the course of the election campaign that was being conducted at that time. We made a very valid objection then, and we continue it, that when a film or some work is produced by the government of Ontario, at the expense of the people of Ontario, it should not be used as part of election propaganda. That was the extent of the criticism in 1967. It was valid then and it is valid now.

Hon. Mr. Randall: Maybe it is coincidental that it was our 100th birthday and Expo 67 was on at the same time.

Mr. Singer: No, there was no criticism of the film. The criticism was directed to its improper use by the Tory party as a political vehicle.

Hon. Mr. Randall: The newspapers wrote the member right off on that one.

Mr. Chairman: The hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Chairman, I just want to get in on this discussion of Expo, and I generally endorse everything that has been said by the member for Downsview. As he said, the Ontario people—the hostesses, the hosts and the OPP—are the only thing going for the government. I made it a point, while I was there, to go to other pavilions of similar size; in fact,

I have been into most of the areas that were provided by countries or provinces of comparable size—the pavilions of the state of Washington, B.C., New Zealand and so on. I came back very depressed about the state of the Ontario pavilion.

Seriously, I think if you spent \$2 million, or you will spend \$2.7 million, that it is really a waste of money—of Ontario money or anybody's money, for that matter—because it does not get any message across to the Japanese. It may provide them a place to sit in the theatre for a while to rest between other pavilions.

You may say that there are one million people who have gone through the pavilion, but if you stood in the pavilion and watched them, they entered one door and they zipped out the other door. They went through the pavilion; they did not stop to see or go into the theatre or wait for the film. They just zipped through.

Hon. Mr. Randall: You know they were doing that in all pavilions, do you not?

Mr. Makarchuk: Well, in all buildings, but in this case they had nothing to stop for; that is the point. In other buildings, at least there was something to stop for.

Getting back to the film, the idea of Expo is that you have hopes it will tell something about the area, about the country, about the province, about Ontario. This particular film does not, in any way, indicate exactly what we are all about; it just does not. It does not show any of our industry. I notice you mentioned earlier that you have put in some pictures, but it does not show anything about our industry.

It shows very little about what the people of Ontario do; it shows very little of the countryside and how Ontario really appears. It does not even show where Ontario is. I am sure about 95 per cent of the people going through that pavilion are not sure where Ontario is or where it is located. They may think it is in Canada, but that is about all.

I think in that sense, you have a dismal flop there and not really anything that you have reason to be proud of right now.

Hon. Mr. Randall: Well, you are entitled to your opinion, of course. We do not buy it, because we have had a little more experience than perhaps you have with people who know something about the film business. And, as I said earlier, for every criticism you can offer, I can show you compliments from newspapers all over Canada, and what

I read out here this afternoon, that the Ontario film, with one other, was picked as the official film to be honoured at Expo. So there must be some good about the film, despite your comments—

Mr. Makarchuk: We are not—

Hon. Mr. Randall: I accept them in the spirit they are offered. You did not like the film—

Mr. Makarchuk: It is an excellent film, provided you are showing it to the local recreation directors' meeting, or if you are showing it to the Rotary Club; it is an excellent film in that respect. But to show it in Japan, to tell the people of Japan what Ontario is all about, it does not do the job.

Hon. Mr. Randall: As I pointed out in the House, we would look very foolish showing the Collingwood shipyards against the Japanese producing a ship and a half a day. We would look very foolish showing our television plants here with 15 people on a line, where the Japanese have half a mile of people sitting on a line. There are certain things that the Japanese people do much better than we do.

Mr. Makarchuk: Yes, we have admitted—

Hon. Mr. Randall: I do not think we would gain a lot by trying to take sophisticated manufacturing to the Japanese, particularly when we said the theme of Expo is "peace and harmony" and dealing with people—

Mr. Singer: It is certainly very peaceful in the Arctic wastes.

Hon. Mr. Randall: All right, they have not seen the Arctic wastes, but I think it was a very good shot. We have had more comments about Niagara Falls and the polar bears than we have with anything else.

Mr. Makarchuk: Well, the minister used the same factory scenes and so on to answer our questions earlier in the House, but there are other things. We do not necessarily have to compare our shipyards to the Japanese shipyards, but we certainly can compare our open spaces, we can compare our forests, we can compare our waters to those of the Japanese. We can compare our residences; we can compare Scarborough to, say, the suburbs of Tokyo. These are some of the things that are different from Japan. We do

not have to draw the similarities, but there are differences. But, in this respect, this is where you fall down on the job.

Mr. Chairman: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Chairman, when Mr. Christopher Chapman was commissioned to do this film, I questioned the wisdom of so doing, because I thought the government was pressing its luck. It is like a sweepstake winner running out the next day to buy another ticket. And, perhaps this is it: that we did press our luck.

I think that this whole argument is redundant, and the only way we are going to find out whether the criticisms that have been levelled against this film are proper is for this committee to appoint me as a committee to go over to Japan and see this film; perhaps take my wife for a woman's point of view and report back to you.

Hon. Mr. Randall: Do you want me to pass the hat right now?

Mr. Ben: Right now. But, I might say that having seen Chapman's first film with all those scenes flashing by, the idea a person would get would be that the people in Ontario are schizophrenic; perhaps this film clip may be representative of this government, I do not know. I still cannot see all those scenes flashing. To me it is more of a toy than some kind of a message, but McLuhan says that it is the medium that is the message—

Hon. Mr. Randall: I am afraid that if we sent you and Eddie, we might find that you did the same thing as Mr. Singer; you would wind up in the sauna baths and would not see the picture.

Mr. Ben: Eddie could go to the sauna baths and I will look after the film.

Vote 2206 agreed to.

Mr. Chairman: I think we will take the next two votes, 2207 and 2208, together, and the first—

Interjections by hon. members.

Mr. Sargent: What about Ontario Place?

Mr. Chairman: Ontario Place was discussed; it was discussed. We will discuss 2207 and 2208 together, because they are pretty well

related. The first member we have is for Simcoe East.

On votes 2207 and 2208:

Mr. G. E. Smith (Simcoe East): Mr. Chairman, through you to the minister, since the introduction of the Design for Development, some of the municipalities in my area have been a little concerned lest the incentives that have been offered by the Trade and Development department are withdrawn. I am sure the minister will recall that he made the statement in the Legislature—I think it would be in the month of December—that nine per cent of the working population of the city of Orillia was unemployed, and the industrial commission there had been working frantically to replace two of the industries that have closed their doors. The question I would like to ask is, in view of the fact that certain areas in the plan have been designated for recreational development, is it the plan of your department to remove any EIO or industrial incentives that have been established, thus putting these municipalities, say, at an unfair advantage as far as normal industrial growth is concerned?

Hon. Mr. Randall: I think I can only repeat what was said at the Queen Elizabeth building. The greater Toronto plan was introduced by the Prime Minister (Mr. Robarts) and my colleagues. It was pointed out at that time that this was a plan for the future, that it would take time to make it work, but any major decisions with regard to the changes—I think they point out any major changes with regard to the airport—let us say, if we are going to have a major airport one of these days—we would like to know where it should go and what lands it will affect. As you know, a great deal of land has been sterilized and is waiting for some of these decisions to be made, with regard to water resources, pumping stations, sewers and water, and the clarification I think given by the Minister of Municipal Affairs (Mr. McKeough) on that has made it possible now to free some of these lands which people recognize are not going to be built on.

The same thing applies to our EIO programme which runs through to the end of 1971. At the moment I do not think the government has any intention of changing those plans until we get around to what they call a growth centre plan. As far as I am concerned, I do not object to a growth centre plan, but I do not think you can write these other towns off until you have something to replace it.

The growth centre plan is fine but right now it is the intention of the government, as far as I know, and there has been no policy yet, to change the incentive programme under EIO immediately and I would assume that we will continue with this plan until further notice. And I think that would be at the end of 1971.

Mr. Chairman: The hon. member for Grey South.

Mr. E. A. Winkler (Grey South): Along the same line of thinking, Mr. Minister, there will be no change, then, in the incentives in regard to the area that is being established as opposed to the ones that now exist—in other words, the designations that you now make?

Hon. Mr. Randall: They remain as they are.

Mr. Winkler: As is?

Hon. Mr. Randall: Yes.

Mr. Winkler: Okay, thank you.

Mr. Chairman: The hon. member for Peterborough.

Mr. Pitman: I have been talking about growth centres for quite some time to the hon. minister. I am very pleased to realize now that we are finally going to deal with growth centres from here in.

I would just like to make a passing reference to the whole question of the Toronto-centred plan, how it relates to the EIO. First, I think it is ludicrous that we should first have a Toronto-centred plan without an Ontario plan. If you read the Toronto-centred plan, you are immediately made aware of the fact that it is not a detailed, highly sophisticated plan, but really a sketching out of what direction the province is going.

I find it rather strange, to say the least, that we should be really treating the rest of the province as a solution to Toronto's problems. One wonders why we could not have had an Ontario-sketched plan to begin with, and then have come to a conclusion as to what role Toronto should play within that plan. What I am suggesting is not that the Toronto-centred plan is not a logical one—I think there is a great deal of logic to it—but obviously the sprawl has to stop; we have to control the growth of Toronto unless we want it to become another Los Angeles or

Chicago. Obviously we want to do that; we want to provide some kind of a green belt around Toronto.

But I say that surely the people in the areas outside Toronto should have some part to play in the kind of society they are going to live in? They should have some part to play in the input, you might say, which created that plan, and that is my final comment. I will make that comment to the Minister of Municipal Affairs. It is perhaps more relevant, but it provides the takeoff I want to make on this particular vote.

The EIO programme over the last number of years, of course the minister realizes, has in my estimation been an unjust, a very simplistic, unsophisticated kind of incentive programme. I might just relate it to the statement the minister himself made, I think last spring, on the new programme for the Equalization of Industrial Opportunity in Ontario.

On page three of that programme, the objectives of the programme are set out. The first statement is that it is to provide equalization of opportunities for all municipalities in Ontario to attract industry. Well, of course, it is obviously not a programme to provide equalization of opportunities for all municipalities, so it is totally unjust.

Hon. Mr. Randall: You are splitting hairs here, because some in this province are better off than others and they have equalization of opportunity. Our plan was set up to take care of the have-not municipalities, you recognize that.

Mr. Pitman: The have-not municipalities must be about 75 per cent of the whole of Ontario.

Hon. Mr. Randall: No, no.

Mr. Pitman: You have a great mass of land in eastern Ontario and all northern Ontario, is that not true?

Hon. Mr. Randall: Yes, but most of those places are doing a pretty good job of looking after themselves. Peterborough does a pretty good job of looking after itself. You would not call that a have-not town.

Mr. Pitman: I think the minister received a letter this morning, at least it reached my desk this morning, from one group of people who perhaps feel theirs is not a "have" town, and this is the unemployed organization of workers in that area who suggested the

approximate figure of unemployment is 13 per cent. I do not want to go into the problems of Peterborough again and again with the minister.

Hon. Mr. Randall: You do not have to go into them. All I say is, these things are now heightened by the federal government's inflationary programme and I do not think you can blame that on the EIO.

Mr. Pitman: No, but I have suggested for the last two years that—well, I will read to you, if you want to get down to Peterborough; I was not intending to do this—the chairman of the Peterborough industrial development organization, who is certainly, I am sure, not an opponent of the minister politically, states that,

The chief source of frustration in Peterborough's attempt to develop a meaningful programme of development in the new industry and expansion of industry has been the equalization programme. It is completely surrounded by provincial developments, growth areas, Lindsay, Port Hope, Cobourg, Trenton, Belleville and so on.

As I say, I am not going to go into this. The mayor has made that very plain to the minister. The statement has been made also in Stratford, that the Ontario Development Corporation is harming industrial growth across Ontario by granting it forgivable loans. I am not going to go into that whole area, but I think that statement is certainly an unfortunate one in that particular area.

I think that now we have the Toronto-centred plan it is imperative that the minister now begin to rationalize this programme, this veneer programme of simply putting, as the minister puts it, "a pay cheque down Main Street." It is just so simplistic, so unsophisticated, it is just laughable. It seems to me it is about time we started getting serious about this. I suggest to the minister, the only way you can justify this kind of a programme is to make an Ontario-wide programme, and to make it really equalization of opportunities for all municipalities.

The first thing you have to do is to change the municipal tax structure, because it is totally unjust to take tax money from one community which feels it has a high level of unemployment. When this question about the criteria came up—I remember the minister got into that last year—he mired himself completely in trying to compare Peterborough with Lindsay, which was like trying to compare apples and peanuts.

Hon. Mr. Randall: I never got mired.

Mr. Pitman: There was an awful mess. Boy! You were certainly mired so far as everyone else—

Hon. Mr. Randall: You might have been mired, but not me.

Mr. Pitman: When you try to compare two cities in terms of population—one which has just taken over an area of land and one which has not—I think that is about as pathetic as one can possibly emerge from that kind of a debate. But nevertheless, here again I do want to get into that point.

The point is that your programme is to alleviate the tax burden on our municipalities. You are not alleviating the tax burden on municipalities as long as you have a system of taxation which is essentially based on local industry as well as local housing. So until you adjust municipal taxes to allow you to spread the taxes on industrial development throughout the entire province—to those areas which do not get industrial growth—you have no justification for a programme such as this. It is totally unjust to take the taxes from one community and apply them to the development of other communities to the detriment of that community, in many cases making it unable for them to provide services, to provide decent roads, to provide in some cases a whole spectrum of municipal services.

So that is one of the major things that minister has to consider, the relationship of his programme to what now seems to be an emerging provincial plan, although I say it it certainly a backward way of doing it, starting in Toronto and working your way up. Secondly, it has to be related to a total change of the municipal taxation structure, some kind of a foundation plan which will allow all of the municipalities in Ontario to get some kind of justice when it comes to industrial development.

His third comment in that particular statement was to provide opportunities for gainful employment for our young people in the smaller centres of population.

Let us get this very clear and very straight. I do not want any barracking about my being against small towns again. I have a number of small towns in my own area and there is nothing better than living in a small town as far as I am concerned, but to suggest that you can rehabilitate small towns in a technological society by spreading industry right across the province with all of the pollution

problems and all of the other housing problems that you create, is just simply unacceptable and inappropriate. It is about time that we recognized that.

That is one of the major reasons why the EIO programme is regarded as being laughable by so many people who are in industry and commerce in this province. You cannot provide opportunities for gainful employment for young people in smaller centres; what you can do is develop growth points. I am glad to hear that the minister has now finally accepted that as the only rationalization of development.

Hon. Mr. Randall: You recognize that will only come when we have regional governments.

Mr. Pitman: Well, I think the minister is putting a very interesting point there. I would agree there is a stepping stone in there. You do not have to develop regional government in order to provide some sort of sensible municipal tax system; I think they can go hand in hand. With the school board, what we did was to develop the structure and now we are trying, you might say in a horrendous fashion, to at least make the taxation make some sense, much to the embarrassment of everyone concerned.

We can do it the other way, too. We can start to rationalize the municipal taxes and then try to develop the structures to go along with it. The point I am making here is that to suggest that you are going to provide opportunities for gainful employment—that is the minister's old gambit; we are going to put a pay cheque down Main Street—it is just absolutely impossible.

Hon. Mr. Randall: It is working.

Mr. Pitman: It is not working, Mr. Minister. Well, in any case, it may be working on a very short-term basis. That is, you may very well be putting an uneconomic instrument in many cases in each centre. He may be providing short-term employment. He may very well be doing it, in many cases, by encouraging industry to go into an area that pays lower pay rates, but as soon as that industry becomes unionized—we may get into this whole area, the role of the EIO as it relates to wage rates and unionization, all of these things that we regard as simple justice in this part of the Legislature. Nevertheless, I have some very real questions about what the role of EIO is in relation to that in that whole programme.

I want to come back to the point. Has this government, for example, ever considered—I am reading here from a background study made by the Atlantic Development Board, called "Urban Centres in Atlantic Provinces" and there is just one paragraph here which I think should be read into the record because I think it means something to us in Ontario. We have got to get this into our minds in relation to small communities. This is the kind of thing we were talking about in Education, too. I can remember when officials of The Department of Education said, "If we can just put in large high schools all across Ontario we can get these young people to come into the smaller towns".

It is impossible, you cannot do it this way. These smaller towns do have a viable role, but it is in providing money for service industries, providing money for recreation. This piddling \$1 million which we ran through in Tourism is just irrelevant.

Hon. Mr. Randall: May I ask you one question? If we do not supply industry in these small towns and the young people come in to work for us, what do you want them to do—come to Toronto?

Mr. Pitman: As I pointed out, first we can make them into bedroom communities, livable bedroom communities—

Hon. Mr. Randall: Only if you have—

Mr. Pitman: —by developing a rational transportation system.

Hon. Mr. Randall: Only if you have regional government.

Mr. Pitman: Second, we can put them into the service industries. This is the area that is going to develop from now on. I do not want to get back onto that other argument we had yesterday whereby the minister was saying that technology does not destroy jobs. It obviously destroys jobs in the industrial sectors. It is the service industries which will provide you with your jobs from now on. That is the area where you can provide some kind of help in the smaller centres across Ontario, but it certainly will not be in industry.

Hon. Mr. Randall: You did not follow that right through to a conclusion. If you did not have any secondary industry for all you know, you would not have any service industry.

Mr. Pitman: Mr. Minister, that is obvious. I will buy that.

Hon. Mr. Randall: Then do not write off service—

Mr. Pitman: I did not write off service industry.

Hon. Mr. Randall: Do not write off manufacturing industries because service is climbing.

Mr. Pitman: I am not doing that at all. The minister is the one who is writing off service industry.

Hon. Mr. Randall: I am not doing that at all. I am being very practical, recognizing that the service industries are going to have more and more people living off the guy who is producing. The guy who is producing has to be—

Mr. Pitman: The machine that is producing is more accurate.

Hon. Mr. Randall: The guy who is producing has to have more knowledge and he has to keep up with technical advances or he is not going to have a job.

Mr. Pitman: Yes, and the machine that is producing is a more accurate description of that situation.

Hon. Mr. Randall: All right.

Mr. Pitman: I want to read this:

Growth centres are currently fashionable. They are, of course, nothing new. What is new is the realization that this is the natural thrust of development that it is good economic sense to back a winner rather than prop up a loser. The reality of this is harsh. It is easy in the context of analysis to decide that this centre has growth potential, but if it does not, this is the kind of decision that is very difficult to make and politically very unpopular.

I realize that.

It is no more than an observation of the phenomenon that has been occurring since cities were founded, but the fortunes of people are tied up in the fortunes of the place where they are located.

I was wondering about some of these EIO companies that we put into areas of unexplored potential.

The success of a business, the value of a house, the very quality of life itself is, in

large part, determined by the success of the town where people are identified and where they have sunk their roots. If the town is going to stagnate and die, the investment in a home, the success of a business, the quality or availability of education are all jeopardized.

At present there is no compensation available for the losses that may be faced. In fact at the very time mobility would be most desirable, mobility is least possible since there is no way of realizing investment of a lifetime, no purchaser for a house, no sale for a business. No wonder it is the young who are most mobile; they have not yet acquired the hostages to fortune that are represented by roots and investments in the community. The sudden and dramatic death of a town such as Wabana, Springhill, or Elliot Lake, will spur a crash programme of limited effectiveness to relieve the misery, but for each dramatic exit there are hundreds of quiet expirations that are unmarked or unnoticed except by those who suffer through them.

This is what I wish to point out to the minister:

There is a need to develop a policy to cope with the decay and death of towns, not just to handle the sudden and dramatic closure of some resource-based centre, but to ease the transition of the hundreds more that will inevitably expire. Until there is one clear barrier to mobility, people will remain in place, with more rationalization and adjustment in human misery.

It would be better in the long run to complete the readjustment swiftly with adequate safeguard for human welfare than to attempt to prop up doomed centres with a school, a wharf, or a post office. These monuments to "ad hocery" are inadequate to create viable centres; they divert funds from urgently needed growing communities.

I just point that out to the minister, in areas—

Hon. Mr. Randall: Is your party suggesting that we undertake the Canada programme in this province and eliminate all these towns?

Mr. Pitman: That is not the point, Mr. Minister, and the minister realizes it. He is playing games.

Hon. Mr. Randall: I am not playing games. They have done this in Newfoundland and I can understand why. Are you suggesting they do the same thing in the province of Ontario?

Mr. Pitman: No, I am not suggesting that we phase out our towns. I am suggesting that the equalization programme is a joke when you put it across huge areas. For example, the north where there was the desire for equalization, where in fact the whole programme was announced, has received the least; the areas where growth of property has gone on naturally received the most. In essence even from the point of view of its own rationalization, the EIO programme has not been a success.

Hon. Mr. Randall: Where have they gone naturally?

Mr. Pitman: It has gone naturally to parts of western Ontario; it has gone naturally along the lakeshore where your best transportation, and your closest markets are and where you might say the economic factors are most obvious.

Hon. Mr. Randall: Would you say it has gone naturally in eastern Ontario?

Mr. Pitman: Yes, along the lakeshore, certainly. I would say that was one of the more natural areas. I think it is quite obvious.

Hon. Mr. Randall: Nothing happened down there until the EIO programme was started, nothing. I can take you into Cobourg and they have five industries there today and the town is alive and thriving and kicking. There are other things that are going to happen down there in Cobourg. I sold washing machines in Cobourg back in the thirties and it never changed from that time—the thirties—until the time we started the EIO programme. Those towns have been brought alive with the EIO programme.

Mr. Pitman: Well, we can—

Hon. Mr. Randall: No, I respect your views but do not expect me to accept everything on face value.

Mr. Pitman: I would not expect that for a moment. I am pointing out to you that this programme is simply not rational, that it has massive injustices involved on the basis of the present municipal tax structure, and the present hopes for many of these communities. I am not specifically speaking about small areas. I am suggesting that you rationalize them, give them the proper opportunities in some sort of a municipal tax basis, as well as this, in a service area.

I am sure we are going to have quite a long discussion of the Americanization aspect.

One cannot help but suggest that when you bring in, say, a company like Kraft, which after all had its own capital sources, it did not need your money. It does not need the money of the taxpayers of Ontario; it is really in the form of a bribe.

Hon. Mr. Randall: And they do not need Prince Edward county.

Mr. Pitman: Pardon?

Hon. Mr. Randall: They do not need the county they went into either.

Mr. Pitman: They do not need the county they went into?

Hon. Mr. Randall: No, they do not need that county.

Mr. Pitman: They certainly—

Hon. Mr. Randall: No, they could have gone right out here in Toronto or along the lakeshore or anywhere around here.

Mr. Pitman: So what you are suggesting is we have to bribe these American corporations to move where we want them?

Hon. Mr. Randall: We have to bribe not only the American, but the Canadians and the British, the Japanese, the French, the Dutch, the Finns, anybody we bring in here. If you want to call it a bribe, we have to give them an incentive to go where we want them to go. This is the same in every province in Canada; it is the same in every state in the United States.

Mr. Pitman: I think there is a very real—

Mr. Peacock: Do you know why you want them to go there?

Hon. Mr. Randall: Yes, we know why we want them to go there. There were people looking for jobs.

Mr. Pitman: But you see, in the long run, in many cases—for example with Kraft—there is very little indication that a number of other cheese factories closed down, that total employment was not increased. There seems to be something strange about giving Canadian taxpayers' money to Kraft Foods, which creates the greatest degree of opposition to the importation of Canadian cheese to the American market. That seems to me to be a rather strange way to use the Canadian taxpayers' money.

Mr. S. Lewis (Scarborough West): Since you are so worried about imports—

Hon. Mr. Randall: You are away over my head. I do not understand you.

Mr. Pitman: That is incredible.

Hon. Mr. Randall: If you go out and look at the cheese business, we are short of cheese. When you go to Great Britain; they will tell you they cannot get enough Black Diamond cheese. As far as I know, the cheese market is wide open for anybody, whether it is here or the United States.

Mr. Pitman: We are going to have a great deal of discussion on this—

Hon. Mr. Randall: I am sure we are.

Mr. Pitman: I think it comes right back to our giving—

Mr. Chairman: Are you all finished?

Mr. Pitman: No, I am not. I have one more comment to make before I ask one or two questions.

Specifically, first—I think it is outrageous we should be giving the loans to American firms to encourage them to capitalize in Canada; in other words, to continue and increase and exacerbate a development which most people in Canada are not only concerned but very worried about.

Hon. Mr. Randall: May I ask you one question? Do you not think that Kraft make any contribution to the Canadian economy?

Mr. Pitman: Oh, certainly they make a contribution to the Canadian economy.

Hon. Mr. Randall: Well, tell us what contribution they make to the Canadian economy.

Mr. Pitman: Well, I know you have pointed out yourself that they, in the short run, are moving jobs.

Hon. Mr. Randall: They are doing more than that.

Mr. Pitman: I am not sure that they are providing—

Hon. Mr. Randall: How about the short run? They are here as long as most Canadian companies. They have been here for years.

Mr. Pitman: I think if you totalled it all up they are probably undermining the Canadian economy more than they are supporting it.

Hon. Mr. Randall: What is the difference who owns the company if they are operating in Ontario?

Mr. Pitman: What is the real difference? Good heavens. After what we talked about yesterday, the hon. minister asks, "What is the difference?"

Hon. Mr. Randall: Yes, tell me what is the difference.

Mr. Pitman: In terms of an international corporation which decides on the basis of a world-wide balance book whether a company in Canada or Ontario closes down or not, where there is no commitment to the community; which does not give a damn about the workers; which does not care a hoot about that particular urban centre.

Hon. Mr. Randall: That is not true, you know that.

Mr. Pitman: Well, that is not all. We have seen that.

Hon. Mr. Randall: That is your party and you are going to sing it from the rooftops because you have got a—

Mr. Lewis: You have sung it before as well.

Hon. Mr. Randall: —you have got a political gimmick—

Mr. Lewis: You have sung it before and you have—

Hon. Mr. Randall: —and you are going to sing it from the rooftops. We do not buy it.

Mr. Pitman: Well, we specifically nailed it down to companies such as Dunlop and you had to agree with it right there. Certainly, as I say, I pale at the thought of the continuation of the Americanization of things, but it should be tied to complete disclosure.

And what about research? Did you have any ties in relation to whether that company does any research in Ontario or not, or is all the research being done somewhere else and we are simply carrying out, really, what they decide we should do in some other part of the world?

Hon. Mr. Randall: Well, Dunlop have a big research plant out here at Sheridan Park. There is a good example. They have a research plant out there. They were one of the first ones out there.

Mr. Pitman: Dunlop did?

Hon. Mr. Randall: Yes, Dunlop. Sure.

Mr. Pitman: It is not an important example.

Hon. Mr. Randall: Oh no, I think of the 11 or 12 companies out there, half of them are American companies. We have been through the list, there are 25 possibilities in Canada for research—

Mr. Pitman: But you do not tie it to demand.

Hon. Mr. Randall: —25 possibilities and we have half of them in Sheridan Park. The rest of them—

Mr. Pitman: That is a separate programme altogether. That is not the EIO programme.

Hon. Mr. Randall: Do not duck the issue now. You just talked about these people doing no research here. I just pointed out—

Mr. Pitman: I did not, I said—

Hon. Mr. Randall: The very company you were talking about has got a big research facility.

Mr. Pitman: I just said is there any tie-in on the EIO loan as to whether research is done here in Canada rather than in the United States?

Hon. Mr. Randall: No, the EIO loan is to encourage them to do everything here, manufacturing and research.

Mr. Pitman: But you do not tie it in.

Hon. Mr. Randall: Would you go down and say, "Will you do all your research here now for—"

Mr. Pitman: Part of it, certainly, is not inadequate. It is the only way we are going to get some control over the things that they do. As I say, disclosure and research are certain key areas that should be tied in with EIO.

I think it would be interesting to know whether any companies we have supported have been unable to carry out their responsibilities. In other words, have you called back, have you unforgiven these forgivable loans in some cases?

Hon. Mr. Randall: None that I know of. If they have met their commitments—

Mr. Pitman: Have they all met their commitments?

Hon. Mr. Randall: Those that have got their money have met their commitments.

Mr. Pitman: Every single company that has been brought into Ontario has?

Hon. Mr. Randall: As far as I know. Ask my friend, Mr. Etchen. Mr. Etchen would you like to—

Mr. A. Etchen (Ontario Development Corporation): Yes, any of those that have not met the commitments or could not make the standard have not received the sum.

Mr. Pitman: How do you know whether they have?

Hon. Mr. Randall: I am telling you they have.

Mr. Etchen: As they put up their building, we put our money in last. The companies put their money in first. They have to put up the building and they have to install the machinery and equipment. Our engineers go down to see the building is up, see the equipment is in, the other things are in, and when those are in we put our money in.

Mr. J. E. Stokes (Thunder Bay): What about the job content?

Mr. Etchen: Well, the job comes in. I would be very pleased to tell you about this. I think—

Mr. Chairman: Mr. Etchen, the hon. member for Peterborough is asking the questions. I think the other hon. member must wait until his turn comes.

Mr. Pitman: I will get back. I will stop now.

Mr. Chairman: You will stop now? Okay. The hon. member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, this vote is for the location and development of industry in Ontario and the EIO we are talking so much about. In the report of 1968-1969 it shows advances of \$2,676,000 on non-interest-bearing advances were made under the EIO programme and for Centralia Industrial Park. Centralia Industrial Park received top billing in these estimates last year.

Incidentally, Mr. Chairman, I think there are maybe 20 of us here who want to talk on this vote, so I think if the chair would like to make a motion that each member contain himself to five minutes I think it would be fairer, if you want to do that.

Mr. Chairman: I have quite a number of the members who would like to make comments on this vote.

Interjection by an hon. member.

Mr. Chairman: Sure, we have lots of time. We have all kinds of time.

Mr. Sargent: In my submission yesterday and on Tuesday, I felt that the distribution of these loans was highly questionable, in view of the fact that nothing I have brought forward in the past eight years has received any attention in our area. The key case was the case of Travelmate Motor Homes Limited. This was to do with the building of Travelmate motor homes, and as I said during the committee, two-thirds of all the new homes built in the United States last year were mobile homes, and the minister felt that this was a great market to develop. In fact, the minister was going to work on getting loans available for this type of housing.

This company here, Travelmate Motor Homes in Owen Sound, applied. He bought an old plant and wanted to convert it—he was a very successful operator in different fields—to enlarge his motor-home building. He was building motor homes, about two or three a week, I think, in his old location. He wanted to get into big-scale production, and he had \$200,000 in signed orders and that is a pretty good start in this field, so I encouraged him to approach the government.

He had a lot of dealings with Mr. Etchen and the department and they led him up the old garden path. He received a letter on April 21, 1970, refusing him any loan. Now, even though he is a success in other lines, he is thinking of going out of business because he cannot process these orders.

The thing we are talking about is diversification and development and I think maybe decentralization is just as paramount in the minister's mind as anything in this conglomerate mess we have here in Toronto. I think it is very important we decentralize and diversify and develop. He wrote this letter to Mr. Woods; is he here? He says:

Thank you for your letter of refusal to consider my application for assistance to establish my manufacturing business. It sounds rather odd that the renovation, etc., of my plant does not qualify for any assistance when I read the ODC paid out \$50,000 to renovate two aircraft hangars at Centralia, to induce that firm—

That is the hon. Provincial Treasurer's (Mr. MacNaughton) riding.

—to move, not to expand to that area. It would appear that the ODC money is available to those firms who are financially sound, able to finance any expansion that they require, who do not necessarily want to expand but will when handed enough money, but that this is not available to a firm endeavouring to start an industry that is entirely new for Ontario and which has an unlimited future, an industry that catapulted one United States manufacturer from \$10,000 to \$90 million in just six years.

This man has potential. He has proved himself. He is A1 in every respect. The minister said he would prove to me that this man had no right to a loan, and there is no parallel. If the Provincial Treasurer was able to get a \$50,000 loan through, this man could not, so Mr. Minister, my first question is: Why is this man discriminated against?

Hon. Mr. Randall: Did you say he was doing \$90 million worth of business?

Mr. Sargent: No, no. He says these monies are "not available to a firm endeavouring to start an industry that is entirely new for Ontario and which has an unlimited future, an industry that catapulted one United States manufacturer from \$10,000 to \$90 million in just six years." He has applied for this firm in Canada and this firm he is talking about has exploded down there.

The point that I want to get to is why, in heaven's name, can the Provincial Treasurer get paragraphs in the auditor's report and in the estimates for the Centralia Industrial Park while this man doing a parallel deal cannot get a loan? That is one point. I know that the minister is going to explain to me why he should not have help. Why should he not have help?

Hon. Mr. Randall: Can I just suggest that we listen to the hon. member for Peterborough and yourself—maybe go around—and we will come back and answer all your questions.

Mr. Sargent: No, I have a lot of things I want to get to that are just as important. You may as well answer them.

Hon. Mr. Randall: Why do we not let Mr. Etchen answer Mr. Sargent's question for the moment on this particular—

Mr. Sargent: You told me you would prove to me—

Hon. Mr. Randall: Well, all right. I would like Mr. Etchen to tell you what did happen on this occasion.

Mr. Etchen: This is a report I have from Mr. Clark, who is a director of our consultative services:

Mr. Ridell has a small but successful electric, plumbing and heating contracting business in Owen Sound. Some time ago he built himself a motorized mobile home. Friends asked him to build similar units for them and he decided to launch a second business in this field.

We began talking to him in May, 1969, when he asked for assistance to buy land and build a new plant at a total cost of \$50,000. We proceeded to investigate and had prepared by November, 1969, a submission report recommending a forgivable loan for \$16,500.

At this time Ridell advised he had changed his mind and instead of putting up a new building, had decided to purchase an existing building. Now this, of course, did not qualify for the EIO loan and we closed our file.

Mr. Sargent: How did Centralia qualify?

Mr. Etchen: May I answer this question first and then I will answer your other question.

It is quite true that I received this letter from Mr. Ridell; the one you have just quoted addressed to Mr. Woods, was not in at that time. Mr. Clark phoned Mr. Ridell April 21, 1970, inviting him to resubmit his application, to come in, get in touch with us again and we would review it again, and we are still waiting for Mr. Ridell to get in touch with us.

Mr. Sargent: Say that again.

Mr. Etchen: We are still waiting. Mr. Clark, the director of our consultative services, on the day that this letter was received—the one that you have quoted and we received it here, according to our stamp on April 24, 1970—phoned Mr. Ridell and invited Mr. Ridell to resubmit his application to come in and see us.

Mr. Sargent: Stop one second. On April 14 you said “no” very conclusively. On April 21 he replies to you. Now what happened next?

Mr. Etchen: Mr. Clark, Mr. Woods’ superior, reviewed the case and phoned Mr. Ridell, talked to him personally and asked him to come in, asked him to send him the information and we would review it again. We are still waiting.

Mr. Sargent: This is the old ballgame. This is what happens to scores and scores of people I have brought down and the minister calls them deadbeats. I can see that he got fed up with the same old stuff. He asked me what I thought and when he got the refusal I said, “Leave them alone, forget about it.”

Mr. Etchen: Well, I want to say to Mr. Sargent—

Mr. Sargent: Well, it is all experience and it is a pretty good yardstick, is it not? I have not had one in eight years go through, and they said “no” conclusively on April 14 and now this starts all over again.

Hon. Mr. Randall: Yes, now do not forget the man was going to build a new building which would qualify him for an EIO grant. Then he decided he was not going to build a new building, he was going to rent a building.

Mr. Sargent: Right.

Hon. Mr. Randall: So when he decided to rent a building, then he said his whole approach to manufacturing trailers had been changed and this is when Mr. Clark and Mr. Etchen’s department asked him to come in. Now the man has got to the point where he has been asked to come in—

Mr. Etchen: We are waiting for Mr. Ridell to come in.

Mr. Sargent: I do not see how he could. Who reactivated this programme? You said no and what happened then? He wrote this letter and said—

Mr. Etchen: He wrote this letter in for Mr. Woods—

Mr. Sargent: To the minister. A copy to the minister.

Mr. Etchen: Wait a minute. He wrote this letter in to Mr. Woods who is a consultant who turned the case down. When this Mr. Ridell wrote again, Mr. Woods’ superior, Mr. Clark, reviewed the case again, in the light of Mr. Woods’ letter, and invited him to come in to resubmit his case and we are still waiting for Mr. Ridell to come back in. When he does, we shall review his case.

Mr. Sargent: Well, this is beautiful. I certainly will see that he is on your doorstep Monday morning.

Mr. Etchen: Well, please do.

Mr. Sargent: And for God's sake, quit giving my people the runaround; they are people and they pay taxes. That is important.

Hon. Mr. Randall: Mr. Sargent, just one minute. We are here to give service to anybody. If you bring a man in and there is any way we can help him through ODC or EIO we will. There are two loans in your town right now that you know of. I went up there myself and you know I was up there when you were down here with estimates or something last year and we qualified your town for jobs for 100 people up there.

One is Richardson Bond and Wright; here they are right here.

Mr. Sargent: I know that. I brought that up before.

Hon. Mr. Randall: There is Canadian Signals Company, 20 jobs rising to 95. Richardson Bond and Wright, 70 to 75 and I will answer that one too. I have a good story for you on that one. I was waiting for you to ask that one in the House and you fooled me, you did not ask it. There have been two loans up there to assist, since you spoke to me and we opened up Owen Sound, recognizing that there were—1,700 people I think at the time—on the Manpower list looking for jobs; we opened Owen Sound up. And any companies that come to us and which would go into Owen Sound, we have given them a hearing. We have helped these two companies.

Mr. Sargent: Well, we will leave that. I would surmise that the Provincial Treasurer would not have the same problem I am having. Let us just leave it there.

Hon. Mr. Randall: Well, anybody would have the same trouble you are having, I assure you.

Mr. Sargent: Some day you are going to be in the opposition and you are going to go through what we are going through. It is very frustrating.

Hon. Mr. Randall: God forbid!

Mr. Chairman: Have you got anything further, the member for Grey-Bruce?

Mr. Sargent: Well, the loan of \$1 million to the tourist industry is this, as the member for Peterborough mentioned, a real shaker. You are going to be getting lots of copies of magazines and editorial comments and letters from all over the province on this thing.

Hon. Mr. Randall: Do you write that magazine?

Mr. Sargent: No, I publish it. It is the voice of tourism in this province.

Hon. Mr. Randall: I know it will not be pro us.

Mr. Sargent: \$1 million is spent among 8,000 operators and there are going to be 20 loans of \$50,000 each. This industry supplies over \$60 million in tax revenue to this government and you spend about \$2 or \$3 million getting people to come in here to go to these places, and most of them are having a rough time financially, and they need help badly, and you take a measly \$1 million—what you would pay for a film—you take that for the whole industry and you get that \$1 million. So you know my thoughts on that one.

Hon. Mr. Randall: Can I just suggest one thing to you? When a programme is started like the \$1 million for tourism, that really is seed money because the man who comes in who wants to borrow \$20,000 may say, "I am going to put an addition on to my lodge and I am going to buy something for my lodge" but it may be five or six months before he requires the money.

So the \$1 million could very well take care of a great many needs in the first year and when the budget comes up next year, it will be through the Treasury Board through the Minister of Tourism and Information (Mr. Auld) and there will be more money available same as you do with the EIO programme—

Mr. Sargent: Maybe \$2 million.

Hon. Mr. Randall: So, I would not look at the \$1 million as all going to be spent in one year because enough cases come for it, perhaps it will—but I can assure you our experience with a lot of the EIO loans—I think the first year I explained on the EIO loans we spent something like \$2.5 million and put through I think, about \$10 million, \$11 million or \$12 million with a commitment approval?

So the money we have to handle for tourism is not necessarily the limit given to the tourist industry. It is—let us call it seed money; it is a starter for the tourist industry and as you well know, we have been after the Minister of Tourism to come up with a programme in order to help the tourist industry, because we were not in a position through Ontario Development Corporation to do so in view of the restriction in the Act. Now, as far as

we are concerned, we drew up the first balance sheet for the tourist industry, which most of them are using today to find out if they are losing money or making money, and I think if you look at the \$1 million, look at it as a start to help the tourist industry.

Mr. Sargent: I mean the fact is, Mr. Minister, that you have hundreds of requests for loans for ODC and previously—and I do not want to go into that—only four were granted, in the past two years. That is ridiculous, that you have no regard for the industry, or you—

Hon. Mr. Randall: No, we are processing another five right now.

Mr. Sargent: Motel loans? That is good.

The only thing I would like to say is that in New York State they have, instead of this bribery of American corporations, Mr. Minister—you say you gave them \$17 million and really you say it encouraged them, in New York State, they do not go that route. I do not think, in the final summation of the foregoing, that incentive really amounts to anything. I think if you go the route they are going down there, that is using taxpayers' money to bribe Americans—for instance, in New York State, they have the newest tax benefit for business with the corporate franchise tax deduction of one per cent for investments in new, expanded or modernized research facilities. For example, the \$100,000 tax credit on a \$10 million investment—now that—

Hon. Mr. Randall: For research you say?

Mr. Sargent: Pardon me?

Hon. Mr. Randall: For research?

Mr. Sargent: For expanding new, expanded or modernized production or research facilities—in a new investment for industrial—and I think that is the route you should be going. Give them incentive insofar as deduction—one per cent deduction on their taxes instead of using the guy who carries a lunch pail; he is paying the piper for these American corporations. This is completely wrong and you know it is wrong. And finally, I would like to ask you this: Why can you not take a like amount of money—\$17 million—to use as incentive for big business, that is put \$17 million here in Ontario Development Corporation or the Canadian Development Corporation—what John Deacon has been talking about.

The Ontario Development Corporation was for the small entrepreneur, the small, inde-

pendent manufacturer. Why can you not make it part of the Act to try and go into business with him?

You set that fund up like that. You say, "We will take their assets and pool them and give the small operator in Ontario a break."

That would satisfy my needs, which are looking at the whole spectrum here, because you are only going one way and the whole vote is all geared to big business. That is my objection to the route because you are a big businessman-thinker and you do not think the way a lot of us do and the 117 members of this Legislature are small, average guys and we do not go the route you go.

We like to think the small service industries have a right, as Jack Spence said yesterday, and a 30- or 40-employee industry in a small town is a big deal. We break our ass to get a 30 or 40—pardon me—we would do anything to get a major industry in Owen Sound that employs 30 or 40 people. Anyone would love to have a 30-employee industry in his town.

Mr. Winkler: It is a start.

Mr. Sargent: Well, that is great; you are on the right side of the fence.

Mr. Winkler: No, I am to the left of you.

Mr. Sargent: Well, I have said my piece but I think that in fairness you must admit there is a good bit of logic in giving the other part of the economy a break.

Hon. Mr. Randall: Well, the only thing I would say to that is that the programme is not geared to big industry, as you well know. Anybody who is in business in the manufacturing business or in the service business can come and see us and I do not care how many people they have.

I can show you accounts where they employ three or four people and have received loans, and as I said yesterday, 80 per cent of industry employs 50 people or less, and if we were only going to deal with what you call small industry, or big industry, I do not think we have given any loans at all—I think the other day we had given 234 to date.

Mr. Sargent: Can I ask one question?

Hon. Mr. Randall: Wait a minute—let me finish. I just want to point out that the \$17 million you keep referring to, you are overlooking the \$16 million that also went to Canadian industry.

You have got to be fair about this because go to your own town or go to any town where they have the new incentive programme working—they do not ask what the nationality of the company is.

I know some of our people in the opposition do because it suits your political purposes to keep on talking about the government giving money to American corporations, but you overlooked a point that 50 per cent of this money is going to Canadian corporations who come in and qualify, and that there are just as many Canadian companies as there are American.

Now if you say we should have a programme where we completely disregard a company if it is foreign, then I do not think we will have any EIO programme—I think we should forget it entirely. We talk about discrimination—this is right discrimination in my estimation.

Mr. Chairman: The hon. member for—are you finished?

Mr. Sargent: Twenty per cent of the economy is made up of people who got the \$17 million or the \$33 million. And the other 80 per cent are the small independent guys for whom I think there should be a fund too.

Mr. Chairman: The hon. member for Port Arthur.

Mr. R. H. Knight (Port Arthur): Thank you, Mr. Chairman—

Hon. Mr. Randall: Can I just answer one question here about the 90 loans to foreign companies? Now we are just talking foreign companies, the 90 loans to foreign companies, size of loan under \$100,000—30; \$100,000 to \$149,000—14; \$150,000 to \$199,000—six; \$200,000 to \$249,000—seven; \$250,000 to \$499,000—10; and \$500,000 maximum—10.

Now it is obvious to me and I think it should be obvious to you that the majority of those loans to foreign companies went to people I am talking about in the category of 50 employees or more.

It did not go to big corporations; it just does not work that way because the big corporations are sometimes harder to move around from one area to another than the smaller fellow. The smaller fellow says, "Well, if there is an incentive for me and it is available, I can start a viable operation and live there. Then I will take advantage of the incentive programme, either federal, provin-

cial, municipal or any incentive that is available."

And so I just want to point out to you that this money has not gone just to foreign companies; it has gone—the 90 loans you were talking about there to foreigners—to smaller companies the same as our Canadian ones.

Mr. Chairman: The hon. member for Port Arthur.

Mr. Knight: Thank you, Mr. Chairman. I would like to echo the remarks of the hon. member for Grey-Bruce—the last remarks—excepting of course three words about small business.

I think the majority of people in my riding—Port Arthur—who approach me for assistance from the Ontario Development Corporation are connected with really small enterprise, and when you consider the real lack of success of the EIO programme up there inasmuch as you know it went toward attracting new industry into the area, I recognize how very beautiful it has been for existing industries—secondary industries—to expand.

I recognize that but when one does not see the same amount of success in attracting new industry into our area, one realizes that perhaps we have to concentrate more on industry where we do have great potential—that being the tourist industry—and in the small operators who realize that this is the real area to get into.

And I would like to suggest that this be a big part of the proposed northern development corporation. I would also like to ask the minister a couple of questions about the proposed northern development corporation.

First of all, a question I have asked at least twice in the past, could the minister put a dollar sign on it? How big a fund will the northern development corporation have to work with? Where will the funds come from?

Hon. Mr. Randall: If I said the fund is unlimited at the present time I would probably be crucified tomorrow, but I often hear from my friends in Liberal ridings that Bob Macaulay wants to get a \$100 million in his cold, clammy little hand to give to small business or incentive programmes for industries. And I said to Bob Macaulay of the economic council, "I do not think you need to tie up \$100 million of taxpayers' money; all you have to do is have permission from the government of this province to go ahead and make loans on an unlimited basis as long as you can

carry out the programme." And that is the kind of a programme we have right now under EIO; in other words, when I go to the Treasurer, he gives me the funds that I require to keep the ODC programme operating, and the same thing will apply to your fund in northern Ontario. So, as fast as we can bring industry into northern Ontario, we will find uses for the money in this incentive programme; the money will be there.

Mr. Knight: Would you say then that the need or the opportunity will determine the amount for this?

Hon. Mr. Randall: Our limit, as you know, is \$500,000, but that limit, I think, is up—

Mr. Knight: For industry?

Hon. Mr. Randall: Yes, for industry. But they can build four plants in four different places, so they can get \$2 million. But the federal grant, I think, runs as high as \$12 million, depending on what they are going to do and provided it meets the federal programme—

Mr. Peacock: Are these corporations Canadian?

Hon. Mr. Randall: Pardon? Oh no, they are Canadian and American.

An. hon. member: Well, like you, I say they would give more, on balance, to you.

Hon. Mr. Randall: Well, they take an intelligent viewpoint; they do not draw a line.

Mr. Knight: Mr. Chairman, I wonder whether the minister and the Ontario Development Corporation have given some consideration to the request from Mr. Alexander Phillips, who is manager of the North-western Ontario Development Council, that the board of the northern development corporation be split in two; in other words, into a northeastern board and a northwestern board, because of the mileage difference. For all practical purposes it would be most difficult for, say, a representative of the board from Kenora to travel to Timmins or Kirkland Lake on a weekly basis. I would imagine the board will meet just as often as is necessary to process applications and discuss and make recommendations and so forth. Have you arrived at any decision on that request?

Hon. Mr. Randall: I have not arrived at any decision. The letter from Mr. Phillips came in just before the estimates started; I sent copies to the other ministers involved, and I said that just as soon as the estimates

are through, I would be glad to sit down with you and discuss the recommendations from Mr. Phillips without delay. We get recommendations which we appreciate from other areas of northern Ontario, and I think, with all those recommendations, we can find a workable solution that will make it easy for them.

Mr. Knight: Well, let me then lend my support to that recommendation at this time; I think it is a very sensible one. And may I express a concern that I have at this point? Having been up there as a newsman, I was very close to the people for about 10 years; I am well aware how long people like Lackey Phillips, and the present mayor of the corporation of Thunder Bay, and others have been pushing for just this thing: a northern development corporation, with some money and some control up there to put its own efforts and resources to work to attract industry.

I might say that you have put up a very big balloon there; that the people's reaction to this has been excellent; their hopes are at the highest. For this reason, if there is a letdown, if it is not what it is made out to be, the letdown is going to be very great, and I for one would not like to see it happen. This is why I keep pushing for some dollar sign on it. I want to be sure of it, so I would just caution the minister that I hope you have not been premature in your announcement. I hope that the follow-through will come, because it is extremely important not only to the economy of northwestern Ontario, but to the morale of the people—and the area needs a buildup in morale.

The member for Peterborough was discussing the Toronto-centred regional plan and the industrial opportunity within this megalopolis, as opposed to the immediate outlying areas, and the minister said something about incentives through EIO to industries that settle not here in Toronto or in Metro, but rather outside, if possible. Is it not foreseeable that we will reach the point where we will just simply tell them that they cannot come into Toronto? I have to tie industrial development into the pollution problem. The fact that we are now monitoring the level of air pollution in this city must make us realize that if we keep bringing more and more industry into this area, the level of that pollution is going to have to get higher and higher, just as long as we keep admitting that we do not really have the scientific equipment or advances right now to control air pollution as we would like to. And I just wonder when

we are going to reach a point where we will put a quota on the amount of industry and the amount of development.

The other day in this committee I brought up the point of the capacity of the sewage treatment plants for this city, and the fact that they are just not up to par. I am waiting for the Minister of Public Works to bring in an answer to a question in the House about where the effluent from this building and the Queen's Park complex goes, to find out whether we, working in this building, are contributing to the pollution of Lake Ontario. He is not too quick in bringing in an answer. I think perhaps we might be on the verge of opening a very big can of worms, and this all ties into industry, because I do not care who you talk to in the north or down here about bringing industry into northern Ontario, they are going to tell you the same thing: Any industry that can get into this place down here with a market and where the transportation routes are, as long as they have got this as an alternative, they are not going to come north.

I am just hoping that, perhaps with pollution getting to the level it is, we are going to get a break, because you are going to have to establish quotas here and industry is going to have no alternative but to come up into our part of the country. It paints a vivid picture for me every time I go up on the train—that is 900 miles up north, and I do it that way quite often—all of that empty and open space. You come out of this great megalopolis, with all of its smokestacks and its development and people crowded in here together, coming and going; you see so much of this farm land down here occupied with housing development or industrial development, and you get up into my part of the country and it is nothing but wide, open spaces. I do not want it covered with industry.

But it is very obvious that someone down through the years has not done a very good job of land usage, and we do not seem to have a land usage plan. So I think this is right in your bailiwick, because you are sort of the guardian over industrial development, and I just wonder if you could make some comments on what I have said just now.

Hon. Mr. Randall: Well, I think what you are saying is that in Toronto the cost of real estate is forcing a number of, say, plants to close down. They find the taxes are high and the property they have is valuable; that it can be used for other purposes, either for commercial buildings or residential accom-

modation, and they are moving to the periphery and, in some instances they are going out of town.

Of course, the EIO programme does not apply if they move from one municipality to another. But as far as the pollution factor is concerned, certainly I will take a look; there are a lot of things that have got to be done here. I do not want to be facetious, but the other day we were talking about the soap companies that are contributing about 1.3 pounds of phosphates a year to the pollution problem, but the human waste is 1.6 pounds—every time you flush a toilet around here you are making your contribution too. You ask about the 170 members: I simply want to point out that pollution is not just coming out of the soap companies; it is coming out of many areas. And when we drive our cars we contribute to the pollution, so we must recognize that we have all been responsible for contributing to this pollution, and it is only in the last year or so that we have all become conscious of the fact that pollution is a major problem and that we should do something about it.

We also get comments from people in northern Ontario that it is great fresh air so long as you do not come up and pollute it with industry. Now, you have got more of a problem in northern Ontario with the pulp mills than anywhere else, because that is where the pulp mills are. On the other hand, you recognize they are going to have to spend many millions of dollars to correct some of the problems, and the pulp mills in this province are not the latest; they are not the most modern. Many of the pulp mills have gone down to southern Georgia; they have gone into other provinces over the years. And the manufacturers here are going to improve their plants; certainly they are putting in equipment to solve the problems of polluting the waters in northern Ontario, and I assume from here on in they will continue.

For the new plant we announced at Fort Frances the other day, I think the cost of pollution equipment was something like \$6 million. The plant cost \$45 million; the cost of pollution equipment was \$6 million. A few years ago, that would never have been considered; the plant would have gone up for, say, \$6 million less, and then you and I, or our kids, would have to worry about the pollution, when they would become conscious of it as we are today.

Mr. Knight: Well, this can apply anywhere in industries in Ontario, not just in the north country.

Hon. Mr. Randall: Yes, that is right. Wherever there is pollution it is going to have to be corrected, and new plants going in are solving that problem. I would say the same thing here: If new plants are going into Toronto, certainly they are going to use the same sewage systems; it is up to the city of Toronto to decide whether their sewers are big enough. But, insofar as the plant itself is concerned, they are just not building plants that are not taking care of pollution. I have been in three or four of them recently where they have shown me their pollution abatement equipment, both for air and water. But certainly the employees working there are still using the same sewer systems and what have you, so that is not going to be cleared up overnight.

Mr. Knight: No, but as long as these plants are beyond their capacity, why go on jamming more and more in? This is what you are doing. If you have got a plant that is built for 450,000 people, for that kind of a capacity, and it is already exceeded by a couple of hundred thousand, why do you go on allowing development to go into that area when you know that the outlet is going to be into the same sewage treatment plant? Because you just go on overcrowding and overcrowding, and I am saying that there are a lot of other areas in this province that could use the employment and the economic benefit from these same industries and the same kind of development, and somebody has got to take the leadership in controlling that.

Hon. Mr. Randall: That has been our objective. When people come to us and ask for locations, we certainly do not show them around Toronto, believe me.

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, I wanted to ask the minister if there were any EIO loans given to any concern in the Kingsville area?

Hon. Mr. Randall: Yes. I think there have been two or three there. Yes, there is Precision Spring Canada Limited—

Mr. B. Newman: And the amount?

Hon. Mr. Randall: It was \$150,000, 50 jobs. There is ITL Industries, five jobs going to 25, \$40,200. And Freedland Industries Limited, 100 jobs immediately and the grant was \$250,000.

Mr. B. Newman: Does the minister's department concern itself with the reports of the various economic councils and the recommendations that they make?

Hon. Mr. Randall: Yes, we—

Mr. B. Newman: Regional development councils?

Hon. Mr. Randall: Yes, we see the reports. I do not see as many now as I did when I had the regional development people in my own department, but all the factors with regard to the area are checked before we get an industry to go into that area. If an industry is there and expands, that is one thing we have no control over, but if it is a new industry going we advise them whether it is—

Mr. B. Newman: They fairly well follow these guidelines?

Hon. Mr. Randall: Yes.

Mr. B. Newman: May I ask the minister if he has looked over the report of the St. Clair regional development council of November 19, 1968, that does not recommend that Kingsville be tabbed as a focal point of new industry? It seems preferable to encourage further manufacturing development in the Leamington area and to encourage Kingsville to draw upon, or something of that sort, a dormitory and commercial centre for commuting workers and as a recreational centre. Here you have a report that is submitted by some branch of your department that does not recommend just exactly what you people went ahead and did.

Hon. Mr. Randall: Now, wait a minute.

Mr. B. Newman: You have given the loans. I do not begrudge the loans going into the area, but you have a study implemented at the urging of your department, I would say, or some branch of government, that recommends you follow a set pattern, yet you do not follow the advice at all—in fact, go contrary to the recommendations. How do you justify your stand?

Hon. Mr. Randall: We justify it this way. That is a recommendation. That is not government policy, as yet.

Mr. B. Newman: I see. It does not mean anything?

Hon. Mr. Randall: Wait a minute. Sure, it means something. In the long run it means something because you just put your finger

on it when you said they recommended that Leamington should become a growth centre and the other area should become a dormitory. When you get regional government in that area so that the tax base is spread over Kingsville, it can become a dormitory. Then, I think, you can afford to say we will not put any industry in Kingsville. But until Leamington is prepared to share—if this becomes a growth centre—its tax base with Kingsville, then I think Kingsville has every right, regardless of the recommendations from other government departments, to get industry.

When the government decide that they are going to have a growth centre around the Kingsville area, that is the time when Ontario Development Corporation will decide we have to co-operate with the other departments and put the EIO programme into the growth centre or whatever programme we are going to have at those times, but you cannot walk away from Kingsville or any other town on the basis of a recommendation that is not government policy from a group in any department of government.

Mr. B. Newman: Nobody begrudged the granting of the loan to companies developing and expanding in the Kingsville area, but it does seem extremely strange to me that one branch of your government will come along and say, "Do not do this", and the other branch of the government will come along and say, "The hell with you, I am doing it anyway." That is just exactly what you did in this case.

Hon. Mr. Randall: You have the same thing in your own party. You do not have complete agreement in your own party on many things. You know that.

Mr. B. Newman: I am not discussing my party. I am discussing the government of Ontario and it is talking out of both sides of its mouth at the same time.

Hon. Mr. Randall: No, we are not.

Mr. B. Newman: You certainly are. It is your report that says, "Do not do this," and yet you do it.

Hon. Mr. Randall: Okay. Every government department can get a study and make its contribution to the overall government policy in the long run. Until it is adopted as policy—I think the member for Peterborough pointed out here the other day that he was very encouraged with some of the

things he saw presented at the Queen Elizabeth building the other day and hoped that these recommendations will be accepted—but until those recommendations are accepted, I go back and say to you that as far as I am concerned, I watched the presentation the other day, I know what is going on, but until the government decides it is going to have a growth centre programme and this is where it is going to encourage industry to go, I do not think that we are prepared, as a government, to cut these small towns off and tell them they are going to become cemeteries with lights. This is what you are asking. You are saying forget every town that is not in the growth programme. You noticed the Toronto-centred plan the other day never went the other side of Bowmanville. Now what do you with all the towns the other side of Bowmanville, including Peterborough? You just say it will not grow, nothing is going to grow in eastern Ontario.

Mr. Peacock: What you are saying to Leamington and Amherstburg and all the other communities that report has studied and said should be designated as growth centres—is "Forget it, because I am putting the loans into Kingsville." We took this up with you last year. We made the same criticisms and you had the same answers.

Hon. Mr. Randall: Companies wanted to move in there despite what the recommendation was. The Minister of Municipal Affairs has said that regional government is five to 10 years away for that part of the province. What are the communities to do in the meantime? Do they go on with this helter-skelter development?

Mr. Chairman: The hon. member for Windsor-Walkerville.

Interjections by hon. members.

Hon. Mr. Randall: Let me just say it is not a government report, it is a council report you have there. It is not a government report, it is a council report as far as I know.

Mr. B. Newman: It is financed by the regional development council, which is financed by your department.

Hon. Mr. Randall: It is not a government report. It is a council report.

Mr. Lewis: You are just using some—

Interjections by hon. members.

Mr. Chairman: The hon. member for Prince Edward-Lennox has the floor.

Mr. N. Whitney (Prince Edward-Lennox): Mr. Chairman, I was quite interested in the remarks that were made by the hon. member for Peterborough when he mentioned unemployment. It occurred to me that possibly that city in his riding could qualify under the federal programme as a depressed area. I can well remember my own area, when the municipalities of Prince Edward-Lennox applied for consideration at Ottawa, they were told that they did not have the degree of unemployment that would entitle them to any assistance. There was a good reason they did not have that degree of unemployment; it was simply because for years, the people had been educating their children and they had been going elsewhere to get jobs. That is the reason the population has been stagnant and that is the reason it has not grown and there has been no development.

We see, on the contrary, the growth around the large centres, such as Metropolitan Toronto. I think that it is well that the government is taking action. We can see from the examples in regard to pollution and all of these matters that it is necessary that action be taken and that further mistakes be not made.

In that regard, we are fortunate that we have had the example to the south of us. They have a greater problem than we have and they are much in the position of the person who might say that had their foresight been as good as their hindsight, they might have been a damned sight better off. I would say that the government is doing a great thing through the entire programme and it cannot consider these Ontario Development Corporation loans separately.

We have to consider it from this point of view. In the past, each local municipality has been a competitor in regard to the obtaining of industry, whether industry could justifiably locate there or not. A great many municipalities, of course, could not qualify or could not induce industry to locate in their particular municipality, and along that same line certain things have taken place in recent years.

I refer particularly to the setting up of county school boards. For that reason, because of the county school board setup in regard to education costs, for the first time the people who have the benefit of greater industrial assessment have to share that revenue for the cost of education with other municipalities where, perhaps, a good deal

of the housing serving that industry had located. This is a step in the right direction.

By the same token, the province is taking over the complete administration of justice costs and the costs of assessment, as of this year. Those things are relieving the local municipalities of taxes and the load is being carried by the counties and the province. It is bringing that day nearer when regional government, of a kind, will take place just because of these very considerations.

I might say that I know some municipalities are considering mutual fire protection, and there are municipal people who are considering having township roads taken over by the county system. Gradually, as some of these things come about, regional government, to a great extent, will be a point of fact. It will not be as a result of a special Act of the Legislature or anything of the kind. Local municipal people are thinking along these lines. Consequently, I think that this is all to the good. Instead of, say, a group of municipalities, such as a county, saying "Here we are competitors individually seeking industry," they say, rather, "We will pull together; let us get industry where we can get it; let us have housing where it should be located; let us all receive the benefits and contribute to the costs on the same basis."

This could include northern areas where recreation comes in. I do not know how many hon. members saw the picture, "Maricopa County, Indiana." I know the hon. Chairman saw it when we were on the select committee on municipal affairs. It shows that rather than the individual municipalities that you have mentioned, the Kingsville area and Aylmer and so on, being competitors, there should be an effort made to bring them together. I know that that is being done elsewhere, and particularly in Prince Edward County and the County of Lennox and Addington. There have been three industries that are receiving, or are eligible for, Ontario Development Corporation loans I would say that this has made a great deal of difference in the overall feeling of the people. I know that they are optimistic about the future. I do feel that this department is on the right track. I think all of these other things, and the fact that county and school boards are moving toward an equalization of costs, and the fact that in some of these other fields the cost is being taken over by the province contribute to this encouraging situation. We do know that industry will not locate where it is undesirable for it to locate despite any loans being given. But I think that individual counties, or other groupings, should pull to-

gether, pool their resources and sell their advantages to industry and co-operate regarding service. I think it is much more desirable that this be done at this time rather than wait till things become so intolerable that drastic action has to be taken.

Mr. Chairman: The hon. member for Renfrew South.

Mr. Yakabuski: Mr. Chairman, I regret very much that the member for Peterborough is not here. I would have liked to have had a dialogue with him. I was greatly disturbed to hear him mention that the unemployment figure for Peterborough at the present time is some 13 per cent. We know the unemployment figure for Hamilton is somewhere around 12 per cent, Cornwall is 18 per cent, and so on all down the line. But, I was wondering what those figures would be for a year ago. Would they be four per cent? Would they be five per cent?

Sometimes I am concerned that we might be criticizing this incentive programme and blaming it for not being successful, when if we made the comparison of unemployment figures a year ago with today's, we might find that almost *in toto* the blame could be placed on Trudeau's anti-inflation programme. This is the thing that bothers me. I would hope that no one would feel this incentive programme is not being successful.

Someone mentioned that he was against taking tax money from one community and trying to lift up another by the boot straps. I have nothing against that, because we see it every day in the federal system in the equalization payments to the provinces. They are taking a hell of a lot of money, and most of it from Ontario, and giving it to have-not provinces right across the board. So this is not really anything new. It is an accepted policy on a national level and surely, on a provincial level, it should be too. At least, I have not heard any members arise in the House and take the equalization payments programme by the federal government apart.

Mr. R. Haggerty (Welland South): The programme policy is good!

Mr. Yakabuski: Yes, I think so. And this is the same thing, actually, on a smaller scale here in the EIO programmes. Someone mentioned that these loans so far had been going to firms only on a short-term basis. I cannot speak for the entire province, but I can speak for the areas that I am familiar with and where I have seen these programmes used. I know that Union Carbide, a very viable

corporation in Arncliffe, had an expansion under the programme. I know that Amphenol in Renfrew, one of the prime manufacturers of coaxial cable, which certainly has a very brilliant future, took advantage of this programme in Renfrew. I know that Huyck Canada Limited, one of the prime manufacturers of paper-makers' felts, took advantage of the programme, whereby they will be putting themselves in a most competitive position and what could have been a layoff of 200 to 300 people in a year or so, because of their outmoded methods, will be halted. As I say, I am only speaking of the areas I am familiar with, but certainly they have not been short-term, stop-gap measures in my areas; they have been wonderful, they have been terrific. Certainly, we know that the service industry is the one that is going to employ the most people but, as the minister pointed out, without a manufacturing industry to begin with, we are not going to be enlarging the service industries either.

And, then, we are always concerned about the metropolitan areas, and especially Toronto. As soon as we mention the big megalopolis, we look at Toronto. We know, too, that there are many people here from all parts of Ontario, all parts of Canada, who have come here by choice. It was their choice to come to this sprawling place with all its disadvantages. They are here a while, and they would like to get back to that small community. They would not have left that small community in the first place if there had been these provisions. They would never have left. They have come here and some of them are hooked; they are stuck with it. They cannot go back to the little places that are dear to them in the province or in Canada, because there are not the job opportunities there. This programme will help produce those opportunities.

I know of a great number of people who left the Ottawa valley or located in Kitchener, Toronto or any number of these places. They were born and brought up in rural Ontario; they would just love to get back to rural Ontario but, as I say, they are hooked. But when this programme is expanded and moves along with growth centres and, not forgetting the smaller communities of 1,500 or 2,000 people, these people will have an opportunity, I hope, in the not-too-distant future, to make their second choice and go back. I know there are little, isolated incidents with regard to the programme that many of us perhaps do not agree with. But, overall, from my experience it is just a wonderful programme.

I welcomed the news just last week that the tourist industry would be assisted. I know the amount mentioned, \$1 million, does not seem very much in the 1970s, when C. D. Howe said, "What is a million?" 13 years ago; certainly, it is not a big amount. But I think it is a beginning, it is a start that we have all looked for for a long time, and I can see this thing growing where I would not be surprised to see maybe \$20 million or \$30 million available five or six or seven years hence. So, all in all, it is a good programme. I have to disagree with my good friend from Grey-Bruce in sort of—

Mr. Sargent: You are no friend of mine any more.

Mr. Yakabuski: He was sort of nitpicking about the U.S. industries, because I know there is no one in this House who is a greater free-enterpriser than our good friend, Eddie. Then this Watkins manifesto sort of grated, you know; that really got me, because you were not being Eddie, I did not think.

I had a question of Mr. Etchen. Now this is fairly recent, and I know it is not a general question; it may be of little or no interest to many of the members here, but it is that Renfrew county and part of North Hastings have been included in the federal regional expansion programme, and that particular area, or part of it at least, has been given special status. And I am wondering now what is going to happen in this area insofar as the EIO programme is concerned? Will there be overlapping? Will there be duplication? Will one be complementing the other?

Perhaps Mr. Etchen can give us an example of what would really take place, should an application go to the federal people under their programme and a supplementary application, or whatever you want to call it, come to his branch?

Mr. Etchen: We have worked out an agreement with the federal government to avoid duplication and overlapping, and our agreement, roughly, is as follows. In either northern Ontario or the area designated under the federal programme in eastern Ontario, a company which is *prima facie* eligible for a federal grant will apply to the federal government for a grant. If it is turned down under the federal plan, for whatever reason, it can apply then to the EIO programme and it will be dealt with on its merit.

There are some cases, particularly in the case of plant expansions, where a company would get more under the EIO programme than it would under the federal programme. I think this is just getting into too much detail; generally the federal programme would provide about 20 per cent of the capital and other eligible costs. In the EIO programme the comparable figure would be 33⅓ per cent. In some cases where it is an expansion, a company might gain more, if it is to have a choice, under the EIO programme than under the federal programme.

As I mentioned earlier, under the agreement we have with the federal government, if you are eligible, you would have to apply to them. We will then supplement the difference between what they would have got under the EIO programme and the amount they actually receive under the federal programme. Perhaps I should try and make it simple.

If the federal government says, "Okay, under our programme you qualify for \$20,000" and if they went under the EIO programme they could have qualified for \$33,000 we would make up the difference. I want to make it clear that this would happen because of the way the two formulas are and only in a minority of cases. This would happen only in the case of a small plant expansion. Here are the major cases in which a plant will apply to the federal government and will not be eligible. For example, pulp and paper; in some segments of the pulp and paper industry, because of the federal regulations, the company is ineligible. They have to apply to the federal people under our agreement and if the federal people say "no," and it is a legitimate reason, they can come to us. We would look at it on its merit.

Mr. Yakabuski: In other words then, Mr. Etchen, you people, through EIO, could be in a sort of standing-by position and ready to help if need be or if possible. Is that correct?

Mr. Etchen: That is right.

Hon. Mr. Randall: I think the main position is that we are not in competition with the federal government to give away taxpayers' money in an incentive programme. But in a case where we both have jurisdiction and they apply to the federal government and the federal government's incentive loan is not as great as they would get under EIO, we make up the difference. Do you follow me?

Mr. Yakabuski: What prompts me to ask is that I had a discussion with Mayor Kaneb of Cornwall a couple of weeks ago. He mentioned that as things stand at the moment, he feels that to them in Cornwall, the provincial programme could be of much more value than the federal one. I guess that would mean if they did not get special area status then?

Hon. Mr. Randall: There is a meeting there on May 22, as I said yesterday, at which the two programmes will be jelled in the interests of Cornwall.

I also suggest keeping in mind that the federal government have two programmes. They have the interest structure programme, the administrative—what do you call it—the administrative area organization programme in which they can get a grant for certain things. Then they have the incentive programme similar to ours but they restrict certain industries that we do not restrict.

In all cases, particularly in northern Ontario where we run into this, we have had a saw-off with Tom Kent in Mr. Marchand's department and there has been no combination to date which has worked very well. In other words, I think the people of Ontario who are in an area that has a federal incentive as well as our own, have got the best of both worlds. They cannot lose on the deal. It is nice of us putting up \$33,000. It is the federal government under its incentive programme which is prepared to offer \$20,000. That is what Mr. Etchen was saying, the man can get grants from both areas but no more than the grant would be if he got it from either one or the other.

Mr. Chairman: The hon. member for Grey South.

Mr. Winkler: I am terribly sorry, Mr. Chairman, I am prepared to yield until tomorrow.

Mr. Chairman: Tomorrow?

Mr. Winkler: Yes.

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: Mr. Chairman, I wanted to ask a few questions arising out of Mr. Etchen's first answer this afternoon to the member for Peterborough about the conditions in which the money is actually paid over. I believe Mr. Etchen said that this was a completion of the plant, installation of machinery. Is that correct?

Mr. Etchen: Yes. All the money is turned over to that plant for that.

Mr. Peacock: After the company has first paid in its share of the investment? Does the corporation take into account whether or not the number of jobs to be created, as described in the application, have actually been filled when the cheque is paid over?

Mr. Etchen: No company starts out with its full complement. You will notice that when a plant is starting out they have a run-in; one of the better places will have a run-in. They must have a skeleton crew. Normally, I think most industries, depending on the industry, may take up to six months or a year to build up to the start that they said they would see.

I think on the whole the companies have exceeded what they said they would do and I would like to give you some examples as to just what happens. The companies normally give us some factors on what the labour force is likely to be, maybe within one year or within five years.

I can give you some very good examples. Acritex Yarns Limited: they estimated that after five years they would have 77 jobs. After the first year they had 105. Amphinol, that Mr. Yakabuski was talking about, estimated they would have 22 jobs after five years and after one year they already have 26. Androck Company Limited estimated they would have 126 jobs after five years; they now employ, after one year, 136. American Optical said they would have 283 after five years; after one year they had 326. Bell Thread Co. Ltd. said they would have 101 jobs after five years; they have 133 after one. Big O Drain Tile Ltd. said they would have 13 jobs after five years; they have 17 after one year. Black and Decker said they would have 440 jobs after five years; they have 450 jobs in one year. And so it goes on. I have a whole list of them.

Mr. Peacock: Do you have Honeywell at Bowmanville?

Mr. Etchen: No, I have not got that one.

Mr. Peacock: All right. What is the situation at Caravelle Carpets in Cornwall, where the initial expectation was 20 to 40 jobs, or 20 rising to 40?

Hon. Mr. Randall: What is the name of that company?

Mr. Peacock: Caravelle Carpets Limited, the Courtaulds subsidiary. This was a division

of Courtaulds which, I believe, you gave an \$81,000 loan in 1968.

Mr. Etchen: That is right.

Mr. Peacock: Apparently no new staff have been taken on at that plant since 1968 because of the uncertainties in the industry and because of the layoff of the 600 at the other division in Cornwall last year. The Caravelle division would have had to absorb what employees it could from that layoff on the basis of seniority. What do you do in an instance like that? Do you carry the loan, or do you—

Hon. Mr. Randall: Caravelle suggested 20 jobs. You say they do not have 20 jobs today?

Mr. Peacock: No, I am saying because of the layoffs in the other divisions, what becomes of the loan in terms of the number of jobs that were supposed to be added?

Mr. Etchen: I have the figures here of Caravelle Carpets as a Courtaulds division. They had 159 in April, 161 in May, 169 in June, 170 in July, 170 in August, 161 in September, 164 in October, 173 in November and 176 in December.

Mr. Peacock: This is—

Mr. Etchen: This is Caravelle.

Mr. Peacock: From what time in 1969 last year?

Mr. Etchen: From January to December.

Mr. Peacock: So there has been no impact on Cornwall in terms of loss of jobs from the Courtaulds layoff? Would some of these have been absorbed from the Courtaulds layoff?

Hon. Mr. Randall: They could have been. Now the reason why Courtaulds is going into these two businesses is to make jobs available for people that are becoming redundant.

Mr. Peacock: So there was not any net addition to employment because of the large layoff.

Hon. Mr. Randall: The figures I have here indicate that when they got the loan, they expected to add 12 more jobs in the synthetic fibres. What they had to start with, I do not have. They expected to have 20 in the carpet plant. Now as Mr. Etchen has read off, they are carrying on with their complement there.

They told us about their situation—that there are going to be changes in their major operation where the 600 people we talked about the other day certainly would still be looking for work—but there were 125 jobs, I think it is 125 jobs total that we were looking at there and we advanced the money for employing operations and they are employing people. There are that many more jobs in Cornwall today than would not have been there.

Sometimes we maintain jobs; if they do as they are supposed to do with the loan, they maintain jobs. In Cornwall there is almost a holding operation by the look of things, the way things have developed.

Mr. Peacock: That is what this particular situation may have turned out to be.

Hon. Mr. Randall: It could be, yes.

Mr. Peacock: May I turn to another firm; Howards and Sons? This plant applied for a loan and received \$144,000.

Hon. Mr. Randall: Where are they?

Mr. Peacock: In Cornwall also.

Hon. Mr. Randall: Howards?

Mr. Peacock: Howards and Sons Canada Limited.

Mr. Etchen: They said they would have 15 more jobs.

Mr. Peacock: Has the expansion actually been undertaken?

Mr. Etchen: No. They have received no money and the expansion itself has been delayed.

Mr. Peacock: I am sorry. I thought Mr. Etchen said earlier that all approvals had been effected.

Mr. Etchen: No. What I said was that when they had met the terms and conditions they would receive funds. But there are companies that have had loans approved—and this is the point I was trying to make—they have had loans approved, and, unless they had done what they said they were going to do, we do not disburse any funds.

Now Howards have postponed their programme, at least temporarily, and they have received no funds.

Mr. Peacock: All right. May I ask about Belding Cortagelli Limited, in Charlottenburg township? A \$296,000 loan was

approved on October 30, 1968. Has that firm gone ahead with its expansion?

Mr. Etchen: They are not going ahead with the programme at the present time.

Mr. Peacock: May I ask about Forged Steel Valve Corporation, again a subsidiary, also in Cornwall, a \$500,000 loan under EIO and a \$500,000 8.5 per cent term loan, approved May 10, 1969? Has that firm undertaken its expansion?

Mr. Etchen: They have not undertaken the expansion, but the last time I talked to them they were going to proceed with their plan.

Mr. Peacock: I see, as far as you know they are going ahead?

Mr. Etchen: As far as I know. But you never know with anything until they have put the spade in the ground. But as we know they are.

Mr. Peacock: Then in Cornwall alone, we seem to have something over \$1 million worth of loans, combined—conventional and EIO—under which there is no activity as yet—that is, putting plants into service and placing jobs on the line. Is that correct?

Mr. Etchen: If there was any way we could do this, we most certainly would. We have dealt with them in good faith. We have given them a promise of support, there is nothing further we can do.

We cannot take hold of the executives of the company and physically make them do it. But we have gone ahead with them, we have dealt with them. There are some companies that have not gone ahead. In fact, there are a lot of companies, I would say, that, because of the economic conditions at the present time—

Mr. Peacock: Because of the white paper?

Mr. Etchen: —are slowing down their plans, are slowing down their construction. I think is not only our experience, but the experience of all the other development corporations in Canada and all the other lending institutions.

Mr. Peacock: How long does the approval continue? Until you say to the corporation, "Look, we have got to have some action, otherwise we are withdrawing the loan"?

Mr. Etchen: The board of directors has ruled that we have to give them six months' grace. If they have not taken any concrete

action then, they have to report back to the board.

Mr. Peacock: Have such reviews been undertaken in the cases of Howards, and Belding, and Forged Steel? They are all well over the six months.

Mr. Etchen: I have been reviewing these at the direction of the board over the past little while and, because of the slowdown in economic conditions, we realize this—

Mr. Peacock: You are keeping them alive.

Mr. Etchen: Yes, we are going to keep them alive, because this involves unusual situations at the present time.

Mr. Peacock: Do these go into your statistics on the total number of loans approved for last year?

Hon. Mr. Randall: That are committed.

Mr. Peacock: But you do not actually have the jobs?

Can you tell us the overall net effect of the EIO programme in 1969, as distinct from the total statistics, showing approvals and the value of the loans under those approvals and the number of jobs under those approvals?

Here we have three instances in one community, Cornwall, where I know that there are particular circumstances. But it is also the case in other communities, or throughout the programme, that you have loan approvals in one year and the similar time lag in getting the actual work of developing the plant, and the equipment in place on the job, and the lines moving. What is the time lag?

Mr. Etchen: There is always a time lag. No company puts up a plant without first lining up its financing.

Mr. Peacock: That is right.

Mr. Etchen: We would not consider a company that did business that way. The time lag is usually with the equipment and not with the building. The building is not too difficult to put up. So there is a time lag.

Mr. Peacock: There may not be time today, Mr. Chairman, but I would like to ask Mr. Etchen—and perhaps he could give us the information when we come back to this—as to the number of approvals where work has not been undertaken or completed.

Hon. Mr. Randall: I think one thing you must keep in mind—we will get this information for you—is that the responsibility of the government under the EIO programme, when a man walks in with his balance sheet and he qualifies, is for us to process that application as quickly as we can, so that he can get under way. If, in the interim, his fortune is changed or economic conditions are such that he cannot go ahead, the loan remains outstanding for six months. We review it; if we think he is still going ahead, we do not recall it, we leave it sit.

But for most of these companies that we point out here, it would take almost a year sometimes before they get the loan, because they have got to build a plant and get the machinery and so—

Mr. Peacock: That is what you did with Jespers and Kaye?

Hon. Mr. Randall: Yes, the commitment is there, you see.

Mr. Chairman: It is 6 o'clock. We will adjourn until 3:15 tomorrow.

The committee adjourned at 6 o'clock, p.m.

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Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, May 21, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

THURSDAY, MAY 21, 1970

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

The committee met at 3.15 o'clock, p.m. in committee room one; Mr. E. A. Winkler in the chair.

Mr. Chairman: We will call the committee to order. I have a speakers' list before me. No. 1 is Mr. Ruston, No. 2 is Mr. Trotter, No. 3 is Mr. Smith, who is not with us at the moment, and No. 4 is Mr. Deacon.

On votes 2207 and 2208:

Mr. H. Peacock (Windsor West): At 6 o'clock yesterday we were engaged in a discussion of the number of loans which had been given approval in 1968 and 1969, but which had not, in fact, been paid over, for whatever number of reasons. I believe that I listed three in the Cornwall area. Mr. Etchen and the minister agreed that we could have a list of all of those which have been given approval, but on which, similarly, construction or operations have not commenced.

Hon. S. J. Randall (Minister of Trade and Development): Mr. Etchen has that now.

Mr. A. Etchen (Ontario Development Corporation): At the end of March, 1970, 234 loans approved by ODC were still active. These are the figures we have been giving out. This total excludes the following eight companies who received loan approvals in the amount of \$1,242,000 and later informed us that they were not proceeding with their projects. In other words, the actual loans that were approved were eight higher than this, but we took those out of the statistics.

Mr. Peacock: Could you give us the eight and the amounts?

Mr. Etchen: Yes, I am going to give you them.

Hon. Mr. Randall: Can I ask a question? Were they not proceeding immediately, but proceeding eventually?

Mr. Etchen: No, no. These are ones that are not proceeding, period. They are withdrawing for various reasons and we have excluded them from the statistics; but they did receive approval.

The jobs involved with those eight companies were 207, but these 207 jobs have never been included in the figures that were given out.

Since that time, one other company—that is since March 1970—has informed us that it is not proceeding and that is Perkins Papers.

The eight companies I referred to are: Nu-Wood Products Ltd., Brayshaw Steel Ltd., Sims Cabs, A. P. Furniture Industries, Belding-Corticelli Limited, Federal Drilling Corp. Ltd., Spraychem Products Ltd. and Elco Connectors (Canada) Ltd. And then, as I stated earlier, the ninth company was Perkins Papers.

As of March 31, 74 loans had been fully disbursed in the amount of \$9,769,000. That is rounding it out to the nearest thousand. The companies estimated that these 74 loans would create 2,538 additional jobs in one year. That excludes, for example, if it was an expansion and they were already employing 30 people and they were going to go to 40. We are not counting the 30. These are additional jobs, although in most cases these companies have not been in operation for one year. Remember, we took these statistics at the end of March and if the loan had been fully disbursed at the end of February you could still count the loan as fully disbursed but the company would only just be getting started. When they were fully in operation, these companies estimated that they were going to create 2,538 jobs after being fully operational. A good proportion of them are not fully operational and already they have 2,555 jobs.

Mr. Peacock: I am sorry I am not clear. Which group of companies is this?

Mr. Etchen: This is the 74 where the loans have been fully disbursed.

Mr. Peacock: Seventy-four where the loans were fully disbursed. In what period of time?

Mr. Etchen: To the end of March, 1970.

Mr. Peacock: From the inception of the programme?

Mr. Etchen: From the inception of the programme!

Mr. Peacock: You mean, of the 234 approvals, only 74 have been fully disbursed.

Mr. Etchen: Yes. And of those, these 74 claim that there is going to be an increase of 2,538 jobs after one year. As I said, some of them—because of the fact that they were only disbursed in February, some in March, some in January—are not yet even fully operative, and yet they have already produced 2,555 jobs which is more jobs than they said they would provide if all of them had been fully operative for a year.

As I recorded yesterday, a number of these that have been fully disbursed for the best part of the year have made exceptionally good progress. I think I read some of them out yesterday.

At March 31 there were 51 EIO loans partially disbursed and these amounted to a little over \$5 million. Since these are only partial disbursements, and in some cases the project is not yet complete, we are not in a position to assemble exact statistical data. I am sure you understand this.

The balance of the approved loans amounting to approximately \$20 million will be disbursed as and when the companies require it.

We have been notified by the following companies that because of economic conditions there may be some slowdown in their plans. I think Mr. Peacock asked us yesterday how many companies have notified us that they are going to slow down. Here is a list of the companies. These companies, to the best of our knowledge, are going to proceed in the future, some within six months, but they have officially notified us that they are on a slowdown.

Company	EIO Loan	Jobs
Iroquois Chemicals	\$ 82,500	6
Inter-Royalite Metal Furniture	129,833	40
Howard and Sons	144,583	15
Olympia & York	453,655	105
Forged Steel Valve	500,000 (EIO)	50

Company	EIO Loan	Jobs
Northern Steel Products	32,266	10
Whelan Industries	180,436	20
Rothwell Perrin	100,000	52
Ault Milk	329,270	12
General Signal of Canada	81,666	20
International Wire & Cable	100,000	107
Space Optics	302,588	24

That is a total of 12.

Mr. Peacock: What portion of the \$20 million balance do they account for?

Mr. Etchen: They account for roughly \$2,437,000 and 409 jobs.

By the way, the number of jobs for that—These are the companies which have notified us, as of today's date, that their projects are being delayed.

Mr. Peacock: Thank you very much, Mr. Etchen.

The figures which Mr. Etchen just read off indicate that there is approximately \$20 million in loan approvals which has not yet been drawn on by the applicants for the loans, and very possibly a good portion of this is the result of the slowdown in economic activity.

Mr. Etchen: No, not necessarily. I think you should realize that some loans in this \$20 million figure were only approved two or three weeks ago.

Mr. Peacock: Right!

Mr. Etchen: Some of them were also approved just a few months ago. Even when you do get an approval, you do not immediately start to build. In other words, this is a normal lead time. We were discussing this the other day. No company which knows what it is doing goes ahead and orders a building and orders equipment until it has its financing lined up.

It normally takes them—again these are just indications—possibly up to six months to contract and put up a building. This is not usually the big delay. The big delay comes if you have any sort of specialized equipment. Then the lead time on equipment can be a year or 18 months unless you are very fortunate, as they are in some cases. Then I would agree that is why.

Mr. Peacock: How about financing other than EIO financing? Does this cause any delay? Do you not require them to have that financing in order before they come to you?

Mr. Etchen: Yes, but I think you have got to realize that they are not going to commit themselves for a very substantial capital outlay until they have their financing lined up. They get the financing lined up and they will put their order in for the machinery on which there is a lead time of 12 or 15 months. They are not going to order these unless they know what they are doing. We were assured they were, and also if the contractor was going to put the building up and give a commitment and look for the money afterwards.

Hon. Mr. Randall: In many instances, may I also add, this may be the lead money—the seed money—that the banks would need before they would advance them, say a bank overdraft or bank loan. A man may be going in to a business with a commitment from the bank as well as a fixed commitment on his equity participation and a loan from EIO. In many cases this is the key money. If we are prepared to finance him then this is a key for him to go to the bank and say this amount of money is available. Then the bank will proceed.

Sometimes we are the first in, and once we have made a commitment through Order in Council to give him an EIO loan, then he can complete the rest of his financing and commit himself for capital expenditures.

Mr. Peacock: At that point, Mr. Chairman, is a review made again of the adequacy of the outside financing.

Hon. Mr. Randall: If he does not get the outside financing the project does not go ahead.

Mr. Peacock: Of course. But assuming he comes to you and says he has got the outside financing. Do you examine the adequacy of that outside financing?

Hon. Mr. Randall: Yes. That is checked before the cheques are paid over.

Mr. Etchen: I will just add that in April and May alone we dispersed another \$2 million.

Mr. Peacock: I have one other question in this regard, Mr. Chairman. Some of the companies that Mr. Etchen listed have already indicated to the ODC that they are withdrawing.

Mr. Etchen: That is right.

Mr. Peacock: I see on the list, I think, just one of the ones I mentioned yesterday:

Howard and Sons; the others are Belding-Corticelli and Forged Steel.

Mr. Etchen: No.

Mr. Peacock: Is it on the list too?

Mr. Etchen: No, I listed—

Mr. Peacock: Did you list all the ones I mentioned yesterday?

Mr. Etchen: I listed eight companies which had definitely withdrawn and were not included in our statistics at all.

Mr. Peacock: Right.

Mr. Etchen: I will read them again for you.

Mr. Peacock: All right, I have the list. The ones I am—

Mr. Etchen: I see among my list, Belding-Corticelli, and I gave you Nu-Wood Products, Brayshaw Steel, Sims Cabs, A. P. Furniture, Belding-Corticelli, Federal Drilling, Spraychem and Elco Connectors. These are the eight who have withdrawn; they are not on our statistics.

Mr. Peacock: That is two of the three I mentioned.

Mr. Etchen: I gave you a list of 12 that have notified us officially that they are postponing. I see Howard and Sons among that list. I gave them \$144,583 in the form of an EIO loan. They created 15 jobs.

Mr. Peacock: Mr. Chairman, could Mr. Etchen tell us whether a firm in Kingston known as Kingston Spinners is one of those who has announced postponement or has withdrawn?

Mr. Etchen: No, not to the best of my knowledge. We are negotiating with them right at this present time. There were some changes which were considered in the financing and we are still considering a new financing proposal which make some changes in the original financing proposal which—

Mr. Peacock: Their loan was approved in August, 1969, I believe.

Mr. Etchen: Yes.

Mr. Peacock: A combination of EIO \$500,000—

Mr. Etchen: That is right.

Mr. Peacock: —and conventional \$475,000. None of that has been drawn yet?

Mr. Etchen: None of that has been dispersed. In fact, we are still negotiating. We still have some rather substantial discussions we are having with them.

Mr. Peacock: Is that also a subsidiary of Courtaulds?

Mr. Etchen: No, not to the best of my knowledge.

Mr. Peacock: It is not linked to Courtaulds?

Mr. Etchen: Not as far as I know.

Mr. Peacock: It is an American subsidiary is it? Mr. Chairman, that is it for now.

Mr. R. F. Ruston (Essex-Kent): Thank you, Mr. Chairman. I would like some information with regard to an application by a small firm in an area that I represent in the township of Tilbury West. It was designated but their application was turned down.

I know the reasoning that the department made in turning it down was that they did not feel that there was an adequate market for the product they were manufacturing. But at about the same time, a Chatham firm, the Daymond Company, which is now owned by the Canada and Dominion Sugar Company, made an announcement that it was going to increase its production of plastic pipe for farm tile drainage. The company was going to increase its production by 35 million feet a year. It also announced that a further expansion, which will increase production capacity still more, is scheduled for next fall.

The small plant that I was thinking of is in the village of Comber. I think they intended to manufacture about two million feet a year. Their application was rejected because of an over supply. But on the other hand we found it a little disturbing when the people from the Chatham firm find their way down to Comber, about two days after the Comber company's application was rejected. The Chatham people were apparently inquiring whether the unsuccessful applicant was available to work with them.

It really disturbs me I understand, as I think the minister replied to one of my questions one day, that they do check with other industries as to the type of markets available.

But in this particular case, it makes you wonder whether what the hon. member for Grey-Bruce (Mr. Sargent) has said is not in a way true, although I would hate to think that it all is. I would have hoped that this is not so.

But really, when I look at my own area, I have great reservations that maybe it is true. I would just like to know if it is true, why one firm can expand its production by \$35 million and that firm is a large multi-national corporation within 18 miles of where a small industry was going to establish. I am just wondering, really, how you can say they could not sell their production. I wonder if you have any remarks on that?

Mr. Etchen: Yes. First of all, the Daymond Company did not get an EIO loan to expand for this tile. They are located in Chatham which is—

Mr. Ruston: I am aware of that.

Mr. Etchen: Not there, so they did not. I want to tell the member—perhaps he was not given the background on that—but we were very anxious to help his Comber tile company. As a matter of fact we went out of our way to get Tilbury West designated, we rushed it through and we cut all the corners so we could help it.

Now also in order to help the companies we did a special study over and above our normal studies on the market potential for tiles. Now we were informed that not only was the Daymond company going to expand, but there were several other companies which were going to expand into a field in which there had been some room for expansion and their plans were already well under way. They were well equipped companies and our officials discussed this with CUMBA.

The information that I have from the officials of ODC is that the matter was fully discussed with them, the whole story was put on the table, they were told that Daymond was expanding. There were some other people—Domtar was another one that was expanding—who had their plans already under way. They were already well into this and we did not want a small company, which had to start behind these big three, to get into this field unless they had their eyes wide open.

As far as I understand, the company officials were most pleased that they were given this information. They thanked our officials for letting them know, and they said that, as far as they were concerned, they agreed with this decision. As a matter of fact they thanked us for telling them what the market position was. Now that is my understanding.

I personally talked to one of the senior members who you introduced me to—I think we met in the minister's office—and I offered to help him in any way that I could. We checked again in order to be absolutely cer-

tain that we were right on the Malvern thing, we checked again with the Trade and Industry people in Ottawa, and they gave us the same advice to pass on to the companies.

Mr. Chairman: Mr. Ruston, does that complete you?

Hon. Mr. Randall: I would just like to add, Mr. Ruston, that again somebody asked: "Do you do any research before you put these companies in business?" I think this is an indication of some of the research that goes on. We can make a wrong guess; maybe they can sell a lot more drainage tile than we anticipate, but on the basis of the facts and figures known to us, before the loan is made we pass that information on to the entrepreneur. I think then it is in his interest because if he goes down the drain with our money, he sure goes down the drain with his money. I think we are as interested in protecting his investment as we are our own.

Mr. Ruston: I am sure, as Mr. Etchen said, the people thanked him and I am sure there are very kind people there and they thanked you for all the co-operation they did receive. I thank you, too. But on the other hand it does bother you a little when a large company so close by with such manufacturing potential which even intends to increase its production within the next year. And there is also this type of product going into the building industry. The potential of it is not just in agriculture I do not believe. This is what disturbs me, I think, more than anything.

I am just wondering what connection there was between the Canada and Dominion Sugar Company and an official of this department. I am just wondering if they were all looking out for the benefit of everybody in Ontario.

The other thing I wanted to mention was if a company decides to go into a designated area in eastern Ontario manufacturing or processing some type of material for merchandise, would there be any difference? Would that same company be eligible, or a company making an identical article, be eligible for a grant in western Ontario?

Mr. Etchen: No, because we do not just give companies money simply because if they are in eastern Ontario or wherever they are. They have to make business sense and they have to show us that they have done some market research and they have got to demonstrate to us that they have got good management and all the other things.

As far as our best information tells us—and we are always checking and bringing it

up to date—there is a short-term under-supply for this particular product. A very short term. As soon as these other facilities come in there is every indication of an over-supply. So as far as we were concerned it does not make any difference at all whether they are in northern Ontario, eastern Ontario or southern Ontario. If a position like this exists where the company itself would lose its money, or lose what we are after—the jobs—it would make absolutely no difference.

Mr. Ruston: One thing more. What if the company was eligible and everything was right. What I am getting at is would it be eligible for a loan in western Ontario, in a designated area, as well as in eastern Ontario if it was marketing the same products?

Hon. Mr. Randall: If it had two plants, yes.

Mr. Ruston: In other words, you make a different criteria for eastern Ontario over where you might draw the line as to what type of industry you would allow a loan to as to western Ontario.

Mr. Etchen: No, the basic market conditions have to be right. The only real difference is that in eastern Ontario the EIO loans are higher than in southern Ontario, but for all the other yardsticks that we use, if there is not a market in Canada, or wherever it is, for the product, it really does not matter as far as we are concerned whether they are located in southern Ontario or eastern Ontario.

Hon. Mr. Randall: I think the answer is in the maximum. If he located in western Ontario, the most he could earn is \$100,000 no matter how much he put in, and the most he could earn in eastern Ontario is \$500,000. If he had two plants he could qualify for \$600,000.

Mr. Ruston: Thank you, Mr. Chairman.

Mr. Chairman: Mr. Ruston, have you completed your questions? Mr. Trotter.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I wanted to make a few remarks in regard to the policy that I think this government should follow in regard to American control.

The minister may say, "We are a province; this is really a federal matter, and therefore it does not concern us." My feeling is, of course, that it should concern everybody in Canada, particularly the people in the province of Ontario, because we are the ones who are being taken over.

Even from a political point of view, whether we feel that the federal government has been weak in the last number of years in trying to put forth its best efforts in protecting the Canadian economy, I think that the present minister of this department and the government of Ontario are in an excellent position to exert influence, not only on business itself, but also on the government of Canada. This province could do this simply because of its power within the economy and politically I think if you look at the politics of Canada today, the province of Ontario really holds the balance of power.

There is no question in my mind that the governments in power, regardless of what their party politics have been over the years, have been extremely weak in the position that they have taken on foreign capital. When I say foreign capital I mean primarily American capital. For example, I think every country that Canada does business with, we make a profit with the exception of two. I think we lose with Venezuela because of the oil we import, but it is a tremendous amount of money we lose with the Americans. In fact, I have one short quote here from the U.S. Department of Commerce "Survey of Current Business", taken for the year 1963. Just as an example—mind you, this is from an American journal:

In 1963, Canada suffered a net deficit of more than \$1 billion—

That is \$1 billion, Mr. Chairman—

—as a result of trade and other transactions between the United States corporations and Canadian firms in which the U.S. parent held at least 25 per cent of the voting stock.

Earlier in these estimates the minister said, when we were complaining about making loans to American companies: "What do you expect me to do, discriminate against Americans?" Quite frankly, Mr. Chairman, my answer would be to the minister: "Yes". I would expect him to discriminate, but in a more positive sense I would expect him to be pro-Canadian, and particularly pro the province of Ontario, because that is his jurisdiction.

Mr. Yakabuski, the member for Renfrew South, wondered why an ardent free-enterpriser such as Mr. Sargent there would have something nice to say about the Watkins report. Well the concern, I think, of many small businessmen and ardent free-enterprisers, is that there is going to be very little for Canadians to enterprise in this coun-

try unless we see to it that we guard what resources we have.

There are too many individual cases that I have known where a decision has been made in a board room of New York city and a man who has worked for a company for years, and has been the executive vice-president or president, finds that he is out of a job. He might get a year's pay or he might get a bonus or something to tide him over. Some do not get that. If the head office in New York is fairly kind, he will get a year's pay.

We literally find that we have been disinherited and this is really striking at the executives themselves in a fairly major way. I do feel that the minister, in his enthusiasm to draw in what he calls new industry into this country, is really a soft touch for the American investor. After all, there are very few places—in fact I do not think there is any other jurisdiction in the world—where such a soft attitude has been taken toward the Americans. I do not think there is any country that has permitted the equity of its assets, be it manufacturing or anything else, to become foreign controlled. I think it is a tragedy that this particular department has not used the resources that are available in this province to protect our industry for our own people in the province of Ontario in taking the broader view for the people in Canada as a whole.

I think our entire view of regarding some of these private companies as private is stupid, because the Americans come over here with capital and set up a private company. It is true the income tax people may be able to look at the books; but this minister might feel, in regard to his policy, that we have never done it in the past—private companies are private companies, we should not interfere. I think that in this day and age that is just stupid again, even in regard to our own Canadian firms. The T. Eaton Company, for example, you can really call, in actual fact, a private company. This situation leaves government and this minister's department, and this particular vote, completely at the whim of what a big business firm wants to do. That holds whether it is a Canadian firm or an American firm. But my main concern at this point is that the Americans simply have too much control and we, as people, are not doing what we should and what we must do.

I think that the people, particularly the younger generation, are becoming highly

aware of this because they realize that they are going to be hired by an American firm or a Canadian company that is really controlled by the Americans. It is all-right to talk about free enterprise, but we must remember the changes that have taken place. In the beginning of this century 75 per cent of those people in the working force were self-employed. Today, over 75 per cent of the working force, whether they are presidents of a company or not, are employees. The real danger is that we are really employed by a foreign power.

I know the minister has cast aside, I think, some of the rhetoric that Mr. Macaulay made. Mr. Macaulay, when he set up this department in this particular corporation, said "If I need \$100 million I will get it; and if I need another \$100 million I will get that".

Well, you really are in big business. I say to the minister, through you, Mr. Chairman, that if this Ontario Development Corporation is going to mean anything at all, it is going to have to be big business. These small loans may help the smaller companies—and I emphasize they should be Ontario companies or at least Canadian companies—but the main thing is there should be money available to invest, if possible to protect companies that are going to be sold to American firms.

I know that the Economic Council of Canada wrote a report—I think it is about three years old. I do not intend to go into all the figures showing how many Ontario firms had fallen under the control of foreign capital, but again I emphasize that the foreign capital is American capital and government today should be in a position to see to it that money is available and that the control of these firms does not go outside this province.

You might say this is interference with private enterprise. You know the American government and the America is supposed to be the very heart of free enterprise but they do not hesitate in moving in on a firm if they find it is going to harm their economy, or conflict with their anti-combines legislation.

We almost lost control a few years ago of one of the largest brewing companies in the country—Labatt's—and we were going to stand by and let it go. Labatt's is Canadian today only because the Americans stopped the American brewery company from buying the firm.

I do not blame the Americans, and they certainly look at their interests first. I am

quite sure, Mr. Chairman, that the Americans would discriminate against anybody as long as it was in their interest. That is their business and I think it is high time that we in this province made it our business to protect our own industry and our own people.

I am not so pessimistic that I believe the cause is lost. I think we have enough resources and water power and other assets that we can, to a large extent in the long term, buy back much of the equity that we have lost. But I am concerned in the immediate future that some companies are still being bought up and will continue to be bought up.

There are some firms, it is said, that need huge amounts of capital in order to operate. This is quite true but those firms in this country that are so large like the Steel Company of Canada—. It is unlikely that the Americans will buy it unless the steel combines in the United States got together in order to control the Steel Company of Canada simply because it is so large. Not even the Americans will find it easy to buy that firm.

But there are many firms that we are going to lose and I do feel that this is going to become a tremendous social problem in this country because we have always been fortunate in Canada to avoid extremes. If we so lose our heritage, a generation will grow up that will be bitter, that I feel will be extremely anti-American. I do not want to see that happen.

There is no question that the Americans are our best friends at this time. In fact, we are one of the few countries in the world today that seems to get along with the Americans. I do not think that that will continue when the kids coming out of high school gain power because they will know that they have been disinherited and it will be largely the fault of those of us who are in politics today and of those who have gone before us.

Mr. Chairman, this province has the resources if it wants to go to work. I know that the federal government has toyed around and talked about a Canada development corporation. It may not be too high on the priorities of the federal government, and I understand it is not moving up, but I would hope to see that through this vote—and moneys could be voted through this vote, Mr. Chairman—that Ontario would to some extent go it alone or secondly, offer to combine with the federal government in setting up a development corporation that would make it possible to buy the firms that are up for sale and which cannot carry on for different reasons. This

may be because they do not have the capital, because a family is dying out, or simply because the Americans want to buy the firm. I do not think that we have the expertise and that we can find the assets in order to make this a worthwhile endeavour.

I think it is of prime urgency in this country, in this province, that we do something to protect our resources. I regret to say that at this point I feel the minister is still a soft touch for the Americans coming into this province. I would hope that he takes a second look at it and either on his own or, even more hopefully, in co-operation with the federal government, sets up a development corporation that will protect our Canadian heritage.

Mr. Chairman: Mr. Deacon.

Mr. D. M. Deacon (York Centre): Well, Mr. Chairman, there are some real problems that I witnessed in the operation of the Ontario Development Corporation. I think they can be understood and they can be pardoned. I do not think it is through lack of effort on the part of the officials. I think there is a conscientious effort, no doubt in most cases, to try to determine whether any proposal put before them is good or not good. But it seems to me the real key to sound investment in any project is a real knowledge, a thorough knowledge, of the industry and it is impossible for any single agency to really have all that knowledge centred here. As a result we have amateurs, in effect, making decisions in a field that pros should be making decisions. It is impossible for any of us to really become pros in all these fields.

First of all, I want to find out whether you use consultants in fields who are already involved in a specific industry to decide, for example, the market for drain tiles that you were just talking about in that connection, that one industry, with Mr. Ruston?

Mr. Etchen: Yes we do. I would like just to comment a little on this.

You say that no one institution can have all the expertise. I could not agree more. The real fact, in real life, is that the banks, the other financial institutions, also make loans to these companies, these very self-same companies. This is their business. You do not have to have experts in every conceivable field immediately at your fingertips. It is not practical or reasonable.

On the other hand, it is a point very well made that you do not make loan commitments unless you have information. Now we

do not want to hire a lot of consultants for every type of industry, but what we do is we research out every industry. Under our present organization we have a research director who is sitting there, Mr. Nevitt, and in addition we have access to some of the best research organizations in this country.

We also have very close relations with the Ontario Research Foundation. As a matter of fact the relations are so close that we have one of the ORF people permanently in our office as a liaison officer, Mr. Malone. So we have immediately open to us all the research facilities of the Ontario Research Foundation.

We also make use of our own trade and industrial people's research centre. We have very wide connections.

We make use of the federal government and we go to the trade associations; in fact, we use every avenue that is open to us, and of course we use the expertise of the people who come in and apply. In addition to all this, all our senior people and all our consultants are former senior executives in companies. Our own staff is well-selected. We do not have people who are amateurs. We have people who have held executive positions—president, treasurer, vice-president. You have some of them sitting along there, in industry.

So we have this kind of experience within our own organization. We are very conscious about research. We do not take things off the tops of our heads; we are very conscious of this and while we are human—we are going to make errors and so forth the same as anybody else—we do everything that is reasonably possible to research the markets, the companies, and to know what we are talking about.

Mr. Deacon: The corporation is in a particularly special position. It is the only one. There are no resources of a similar nature that people can go to; it is not quite the same as with banks which are in competition with each other.

Incidentally with banks, for example in the oil business, they have tremendous specialties built up in that field and in other fields that they make available from head office—people with great experience in actual operations and successful experience in operations.

And of course I do know that perhaps a lot of people you have, have had a lot of successful experience in their own business background, and some I know have not. It is the knowledge of successful people that is very important; there is almost a feel of the

type of investment you are about to make, whether it is good or not.

One of the points that the minister made yesterday rather shook me. He said that we do not want to make loans to bankrupt companies, companies that are losing money. You would never invest money in a farm if it were losing money. Well this is not true. I found that quite often that some of the most successful investments we have ever made have been companies that have been in difficulty and then have been able to bring together the ingredients that have turned that loss situation into a successful one.

Hon. Mr. Randall: You could not go to Bay Street and get your company to underwrite an issue for them. Your company would be the first one to say, "When you get your earnings up come on back and see us, and we can at least give you an issue." You know that.

Mr. Deacon: Well, I am sorry. We have done this in some situations and there—

Hon. Mr. Randall: I would like to see one, because I have never seen one on Bay Street yet. That is why we have the Ontario Development Corporation because they tell us when they go to Bay Street they always say, "When you are making money we will loan you money then."

Mr. Deacon: No. It depends. I will mention two of the large associations. One was Sayvette. If anything lost money before it started to make money Sayvette did. Certainly the same is true of some of the Canadian hydrocarbon operations. It certainly—

Hon. Mr. Randall: I remember how successful they were in Western Canada. I think you remember that.

Mr. Deacon: It became that way, but it had not been.

But these situations do require a lot of expertise on a continuing basis too.

Another point I wanted to find out is how much of a continuing interest do you take? Once a loan is made do you have a director on the boards. Is there some way you get internal reports of what is going on? What is your involvement once you have made the loan?

Mr. Etchen: I think our involvement after we have made the loan is not only in our money but how they are doing generally. I say this without any fear of contradiction. It has also been the subject of studies by similar

organizations overseas. We do not leave a company once we have put the money into it. We follow it up. We have a special branch in the corporation and we require from them monthly statements, production statements and various other things.

If the companies are performing all right, then we leave well enough alone. Those companies that are not meeting the requirement, those companies that are not performing according to the way they should do, we immediately have a clean-out; we bring in an engineer or a financial man.

This has been highly successful. In fact, if you like to discuss it with any of the chartered banks, that is one of the reasons they are very happy to make bank financing available to companies which we are in. They know that once ODC is in there, we do not just leave the company. If it gets into trouble, if it is not performing the way it should do when we get monthly reports, then I want to know from my consultants what the problems are.

We have been highly successful in this. There have been quite a substantial number of companies who are operating today who, if we had not followed them up, would have been bankrupt.

As I say, the banks and other institutions are most happy about this and all the other major development corporations in Canada. A number of them from the United States and Europe have come over to look at our operations, and particularly our follow-up.

Mr. E. Sargent (Grey-Bruce): How many have gone bankrupt?

Mr. Etchen: We have lost one. Again I see there is confirmation by the officials here. I think we lost one in the past two or three years—am I right there?

Mr. Chairman: Are you finished, Mr. Deacon?

Mr. Deacon: No, I have some more.

Mr. Chairman: Mr. Deacon.

Mr. Deacon: One point is about a company that was losing money and actually went into receivership. Some people wanted to put it back in shape and made a proposal to you. This was, I think, Northern Plywood, in Nipigon. It went into receivership and a group of those who were employed by Northern Plywood came to you with a proposal for an EIO loan to help them get back into operation, because there were about 150 jobs at stake at Nipigon in that company.

Not only were they unable to persuade you to go up to look at the operation, but in addition, word came through from other sources they approached that you told the other sources to take hands off. In other words, you did a great deal of harm to their ability to even get money from other sources.

They did manage to get money from other sources and they have since turned into a successful operation, but it was despite your involvement, not because of it, that they did this.

Of course, they resented the fact that at the same time there was a major EIO loan granted to a large U.S.-controlled corporation not very far away. This, of course, could have a bank credit available to it and everything else, as well as your money, to go ahead with their venture.

Hon. Mr. Randall: Perhaps you would like the facts now.

Mr. Etchen: I would like to answer this one, because of the fact that I have had sufficient discussions to field this. Now let me tell you what did happen there.

First of all, we never discuss with other companies any reasons why they should not go into this. Most of the financial institutions are mature enough that they do not need ODC's bidding. They put in their own money and they are going to make their own decisions.

Now the story on that company was very simple. The Industrial Development Bank has its money in there. The Industrial Development Bank has all the security, including floating capital, if I remember correctly. It has the assets, it has the full say; therefore there is no room for anybody else to go in there.

Far from not helping the company, we sent our banking expert, Mr. Gray, to the bank in order to help them negotiate a bank line of credit. I think I have a letter on file from the company.

We went with them to the bank, as we have done in the past. In fact, I think, we helped the group—I just want to check with Mr. Grant—we helped the new group that came in, so I do not know where this information came to you that we refused to help them.

We also told them that if there was any way—and I told them personally so I do know this—if there was any way that IDB would release its security, any part of its security, and we could go in in any sort of a reasonable business way, we would do it.

As far as I know, the IDB, for their own good reason—and I am not criticizing IDB—for very good reason, decided they were going to hold on to the security; they were going to keep the floating charge and the assets. I do not know what they were but certainly the IDB was in on this. If we would have gone in, we would have put the taxpayers' money in and left it sitting out on the air.

Hon. Mr. Randall: They had a federal loan, which the federal government would not move off, and if I remember the figure, there was over \$1 million in there; then they recognized that their money was down the drain and we suggested to them, before the company gave up, they must recognize their loss and move over if the company were to be financed. They said, "No, we are not going to move an inch. We have a floating charge on all the assets. We have the building, we have the inventory and we are just going to sit." We said, "If you do, the company will go down the drain." They said, "That is just too bad. We are not going to move."

Now, if the Ontario Development Corporation had gone in and put up the money, it would seem to me that we were covering a federal government loan in which they had all the assets, and I think we would have been severely criticized if we had done that.

Mr. Deacon: Well, I think you would have been too, and the IDB for their refusal to move over.

I was not aware of this, but I am aware of the view of the officials of the company concerning the role played by the Ontario Development Corporation. Now if it is true that there has been some report come to them from another source that is incorrect about your role, regarding refusal from another source of funds because of the report you gave them, I should certainly want to follow that one up.

Hon. Mr. Randall: I might say this: When the employees decided to take it over, we took them in hand, took them to Ottawa, took them down to the bank and got them organized so that they could make a decision whether they should take it on or not. Our thought at the time was that they were getting into competition, but the business had shown some pretty fantastic losses, and we were looking at the interest of the employees themselves as to whether their life savings were going to go down the drain.

So I think we had a difficult situation to deal with there. I do not know how successful they are at the moment—perhaps my people do—but I would be inclined to say that have got an uphill battle, and more power to them. We suggested to them if they did get organized and if they could make arrangements, to come back and see us and we would give them all the help we could—at least we offered them the consulting services of the corporation to help them when they get organized, in marketing or anything else.

Mr. Deacon: Well, it has not been any piece of pie. They are making the grade, but they did not feel entirely indebted in any way whatsoever to the Ontario Development Corporation. It may be a false report about your role, and perhaps it is something that should be clarified.

Hon. Mr. Randall: We have to agree with you there; that is for sure.

Mr. Deacon: I will certainly endeavour to locate the source of the problem.

There was another point that bothered me; I mentioned it last year. I cannot understand why the Ontario Development Corporation does not insist on some form of share participation in this position. It seems to me incredible, when you are giving people such an attractive source of funds, that you should not also do what any normal investor would do—and you are investing on behalf of the taxpayers of the province—and insist upon some piece of the action if you have some hope of profits if it is a successful venture. Rather than just worry whether we are going to get our interest and principal and how much we are going to give them, it is a matter of incentive. You said last year you had not asked for this. Have you been asking for a piece of the action and have you been participating since that time?

Hon. Mr. Randall: Let me say that we are on your side in that. We of the Ontario Development Corporation have recommended to the Treasury Board that we should consider taking part of the equity on the basis that, when the company gets itself in such financial shape that it can buy back the equity, the equity will be sold back to the Canadian management at whatever the market price was that day, so that the shareholder could participate in the gains that the company had made since its inception. That matter is under consideration now, this year, by the Treasury Board. I am hoping that one of these days they will accept our recommendation that per-

haps we should consider part of the equity operation.

I might say this is one of the points the Canadian development corporation, if it ever comes into being, would like to see done. They would like to take an equity position in these corporations. I think the first idea was that they would like to buy out the corporation and save it going into the hands of foreigners. On the other hand, I think they recognize today that they are far better off to leave the company in the hands of the present owners and take an equity position and give it some management consulting service, which is what we have been doing. We have not had an equity position participation, but I think it is a good idea and we are looking at it now.

Mr. Deacon: I am glad you are looking at it and I would hope that you would recognize the philosophy. Just because government has an interest in a share it does not mean that it is going to a government-run thing, or needs to be a government-run thing. Many countries in the world, especially European countries, and Britain, have substantial share interests without interfering in any way with the operation. They leave the operation in the hands of management which itself has major industrial interests in these corporations.

It seems terribly important to me that we stop confining ourselves to getting a return on our money and that when we are giving these people assistance, we should get some piece of the potential profit.

In this matter of foreign control of these companies, you said quite a bit about it does not matter at all. I think it does matter and I am surprised that you are still holding this view. I am also pleased to find out that many people in business, even in foreign-controlled business, are as concerned as some of us on this side of the House have been about this situation.

Maybe everyone should be a good corporate citizen but the fact is, they are inclined to be better corporate citizens if they have a Canadian interest in the companies. If the Canadian interest is predominant, they are looking at it more from our Canadian national point of view. I think it is important that any company you invest in, that you grant an EIO loan to, agree to disclose its finances publicly and publish these finances so we know just what we are doing. The public are then made aware in reports published in the open just what is happening in these companies which are getting this assistance.

Perhaps everything is fine, but people will feel and be assured that everything is fine if one of the conditions of getting these loans is that they start to tell us what goes on in their companies in this country. I know there is a problem. The real success of business is not just capital; it is know-how. Part of the know-how, the major part of the know-how, is usually centred in another land. We develop our own particular species of know-how, or sort of, in our Canadian subsidiary, but this is a problem where I think you, as a major source of capital to industry, have a role to play. I think all of us as legislators have a role to play. We have got to find an answer to how we can build these pools of capital and management know-how in this country so that people do not just resort to the generous offers and, because there does not seem to be an alternative, in order to get cash, to these foreign sellouts.

One method I have suggested and I really feel you should take a good look at, is instead of operating in the way we are through what is a branch of government, that we invest our money in, you might say, holding companies, several holding companies formed around this province. I mentioned this in the estimates of The Department of Mines because I feel that it is important that people in all parts of this province, and in any special area of industry or operation, feel that they are going to people in the industry who are knowledgeable in an area; who know the situation, who are familiar with it. I think it makes for a much more successful continuing operation if we do it that way. They also know that if they get turned down by one source of capital, they can go to another.

At this time in the province there are several sources of private capital for new ventures. I think I can mention that Harris and Partners have quite a branch and their business specializes in this new venture capital. Perhaps you could be of great assistance to people who come to you for advice by coalescing and adding together all those that are now specializing in this field. I think there are some foreign ones, but there are also some Canadian ones. I think we should try to encourage these Canadian ones.

I am also aware, and very conscious of the fact, that this York University study indicated over the next eight years \$10 billion of Canadian capital would leave this country for investment outside because we do not have sufficiently attractive opportunities for them to invest here. That is risk capital. That is what we really need in this country and we need to develop our own industries.

When I talk to the people who are the likely sources of this capital I say to them, "Why do you not go into these Canadian ventures?" If it is a trust company or an insurance company, they give two or three excuses, one of which is there are not sufficient number of marketable opportunities in this country. We have quite a few companies but there are so many people trying to buy stock that the prices are too high in relation to what they can buy elsewhere. The first problem they mention is this question of marketability of securities.

The second thing they mention is the lack of know-how in Canadian management. We have got to try to solve not only the question of marketability, we have got to somehow get together pools of know-how in these various special areas.

Go to small investors and ask, "Why do you always put your money in a bank deposit or in a bond, but you do not invest in risk things?", which is what we want in this country if we are going to get ownership of our industry. They say they do not trust the ordinary stock market. They feel that there is something about Bay Street, its past stories and things that have happened there. They feel that they would be in trouble. I asked them if they would have more confidence in the situation if the government had an interest and was taking a risk alongside them. They say yes, they would.

Rather than thinking of a single Canada development corporation I am suggesting that we, as a province, start a role of sponsoring and bringing together pools of capital in various parts of the province by approaching a group of six to 12 people in northwestern Ontario; people who are successful in the tourist industry, in the mining industry, in the forest products industry. We go to each of these individuals and say to them, "Will you put in \$25,000 or \$50,000 each in a holding company here?" Whatever is a really meaningful investment, a risk for them. We will put up several million dollars or what amounts to, maybe, 35 or 40 per cent of the total equity of the company which we will make a public offering on.

Then with that formed in northwestern Ontario, maybe another one centred on the Sault and another one centred on the Timmins area, and another one centred in Sudbury, there would be four alternative sources of capital to anybody in northern Ontario who has some project he wants to get developed. Allocate to those companies your EIO funds for that area, whatever you

have marked for that area. They can have so much, each of them, under their control, that they can put out in a year.

You would have the advantage of local involvement and participation and know-how. You would have substantial pools of capital. You would have pools of capital that investors in other parts of the province, no doubt, would take an interest in as well. But they would not be centred in Toronto, which is so resented by people around this province and I can understand why. They always have to come down here to talk to us at Queen's Park or talk to the people on Bay Street, but it is a different world. We do not understand their world and they do not understand ours, but if we could form these pools of capital in these spots, I feel—Pardon?

Mr. J. E. Stokes (Thunder Bay): We understand but the south does not.

Mr. Deacon: Regardless of this I do feel that it is important that they have the opportunity of going to people close to them, convenient to them, to talk over their proposals or ideas for a new motel or any other new project, instead of having to come all the way down here. It would be possible to get much faster decisions that way. Most of these private operations now make a decision in a matter of three or four days because they have the know-how available to them quickly to make up their minds on a project.

It takes a lot more time to have to come all the way down here, and set up your proposal here. It is not nearly as convenient for them and I suggest that this form of several development corporations be something that this province undertake. Do not wait for that Canada development corporation that they have been talking about for years in Ottawa and not getting anywhere with it.

They may get with it some day for certain purposes, but we have a real opportunity under this particular type of operation that we now have with the Ontario Development Corporation to increase the scope of private capital and government capital in co-operation and in a way that I think will be profitable, and not only to the areas of the province that we are trying to encourage. It will be profitable to the taxpayers of this province because they will have participation.

I ask the minister to seriously consider completely changing the structure of this programme in this way. I feel that you have

done remarkably well. I am sure you will always have people who beef about the way that it is being allocated but I think we could improve it. I think we could make it less subject to the domination of a single governing force.

Hon. Mr. Randall: Mr. Chairman, I would just like to comment, then I will get right on. I think what the hon. member has to say is certainly worth our while to investigate as we go into the future.

One of the things that, perhaps, has retarded our thinking along those lines, at the moment, is the operation of the Canadian general investment fund in Quebec. As you remember, they put out an equity position at \$10 per share and within a matter of a few years their stock went to \$5 a share. The people who bought into that, really, government operation were discouraged and they could not buy any more companies. They had the dogs. They could not buy any more companies because they were out of money.

When they went back to the market to get another issue put out, their stock was down to \$5 and it was pretty difficult to sell more stock to people at \$10. The Quebec government had to bolster that and now their fortunes have improved in the last year because they bought a 60 per cent interest in Marine Industries down there which is their big money maker. I would think that many of the companies they have down there, which I am familiar with, are not money makers. They are sort of a holding operation now to make sure it stays Canadian even though it is inefficient and not making any money.

Our situation is that if we in this province get into putting out a government bond to pick up some of these companies, and you are holding the bond as the average guy on the street and the market drops you would automatically, if your company put it out, say: "Well, that's tough luck, my market is down anyway, I gotta go with it, it may come back up later on." But if a government has a participation there, he immediately figures he is guaranteed, if he put \$10 in he is guaranteed \$10, regardless of the fortunes of the company.

This is probably one of the pitfalls we could get into with that kind of an operation, although I do not say it is not possible, I simply say it is one of the things we are examining and we would say to ourselves, "What kind of guarantees would a semi-government operation have to give that an ordinary underwriting house wouldn't?"

I think when people put their money into a government equity they do not expect it to drop out because President Nixon makes a statement, or somebody is sick, or somebody drops dead. But the market goes up and down like a yo-yo as you recognize, and if the market did go up and down under those conditions someone is holding a government security backed by the Province of Ontario, and he wanted to cash in on them he automatically, even though the stock has gone to five dollars, wants the ten dollars he put in.

This has been a difficult thing, even for the Province of Quebec, to make people understand when they have bought into Canadian General Investments, C.G.I. However I do not say that the idea is not possible, I think it is something we should look at. I think we have made our legislation broad enough that we can do many things that the hon. member has suggested we should take a look at.

Mr. Deacon: My point is that we should not confine ourselves to one or two companies. This is—

Hon. Mr. Randall: No, no!

Mr. Deacon: This is where the problem comes, because everybody thinks that therefore is a government company.

Hon. Mr. Randall: Well, I think—

Mr. Deacon: You are talking about ten or twelve?

Hon. Mr. Randall: Well, I think this is what they have done in Quebec. They have a number of companies in there, but the conglomeration of companies have all suffered.

Mr. Deacon: Yes.

Hon. Mr. Randall: It may be just a general economic condition in Quebec. Now that the election is over maybe things will change, that \$5 stock will come to \$10, and they will be able to raise more money. But once you start on an undertaking like that you must have sufficient money to keep on going, to buy good companies as well as marginal. As you recognize, if you get too many marginal companies and then you run out of money and you cannot go back for more funds, then you are stuck with the marginal companies with no earnings, and as a consequence the shareholder becomes very dissatisfied.

Mr. Deacon: Yes, but I think you would be making a mistake if you follow the route you

are suggesting here, where you say "that company", because you did formerly say the Northwestern Development Company, and there is a group up there running it. They do not run it well. I do not know why you should feel that you should have to keep on encouraging that company when it has not been run well.

There may be a new group that comes forward and wants to get support. I do not think the government should feel it has to bolster something that has already proven it has bad management, a bad group. It is not a successful group. I think there should be that competition. I think we should find new ways where we can get this combination of a government participation and give the public more confidence that things are on the up and up.

It could save such things as having to go to the Ontario Securities Commission for approval of an issue, if there was a 25 per cent participation in a venture taken by one of these companies for example. Different things could be done to cut out the red tape, get people on their toes, and yet give the public the flexibility of going to several sources of capital.

Mr. Chairman: Mr. Lewis.

Mr. S. Lewis (Scarborough West): Mr. Chairman, as the minister knows we have no problems about equity sharing in certain of these areas. We certainly have no problems in the area of disclosure. We do have some questions about individual grants and about some of the principles that are related to them, and elsewhere. Perhaps out of the material that Mr. Etchen has given earlier in the afternoon I could ask one or two questions.

If I understand it correctly, you have disbursed roughly \$14.7 million out of a total of almost \$35 million. Is that correct?

Mr. Etchen: Yes, just a little over \$15 million.

Mr. Lewis: So you have actually used rather less than half of the money which has been budgeted?

Hon. Mr. Randall: Let us say it has been committed but not called for yet.

Mr. Lewis: Right. Well it has, in fact, been committed, but your experience is that some firms withdraw, some firms postpone, some firms delay, contingent on economic improvements which are not immediately in

the offing. You hope to expend the \$20 million, but you are not certain you will.

Mr. Etchen: No, I think the figures that I gave were a minority of the money according to those capitals. I think I said there were about \$2 million special. In the statistics which we gave, the paint companies have been withdrawn. They are not included in that at all?

Mr. Lewis: Right.

Mr. Etchen: So they are not in there at all?

Mr. Lewis: Right.

Mr. Etchen: The dozen companies, I think, may amount to \$2 million. The reason the others are not disbursed is because a lot of them have not had time yet.

Mr. Lewis: Right.

Mr. Etchen: Now I want to make this clear. They have not had time. To a company that got a loan in February, we are committed; if they keep their part of the bargain they are going to get it. Obviously there has not been time yet for them to put the building up, order the machinery, put the money in. This does not mean to say that because we are in this lead-time period, this money is not going to be used. In fact, the indications are that it definitely will be. This happened, for example, in the first year. We disbursed only \$2 or \$3 million. As the companies get into production, get buildings up, machinery ordered, we found that the disbursements this year are up—

Mr. Lewis: Accelerated?

Mr. Etchen: Yes, and they will be higher next year.

Mr. Lewis: It is just that my modest, industrial, working-class proletarian socialist mind is always boggled by figures as high as \$35 million. I am reassured to know that you have only expended some \$15 million of it. In the number of grants that you have expended, Mr. Etchen, have you made a breakdown of resident and non-resident expenditures within the 74 countries?

Mr. Etchen: No, we have not.

Mr. Lewis: You do not have that?

Mr. Etchen: No.

Mr. Lewis: You would not like to do that at some point to fulfil our twitchings of curiosity?

Mr. Etchen: Yes, I would be very happy to do it for you. In fact, I will ask the charming young lady on my right to make a note of it.

Mr. Lewis: Good. I would appreciate that. Because since these estimates will doubtless be on for another week or 10 days we will probably have time to—

Hon. Mr. Randall: Or Christmas. If we get out for Christmas we shall not complain.

Mr. Lewis: Another question, Mr. Chairman, through you to the minister. Has any analysis been made of the wage rate structures which exist in some of the new plants? Has any analysis been made of the difference in wages rates which exist where a move has taken place? Westinghouse is a good example; Canada Wire and Cable is another example; where a move from a more central urban area has been made to a more peripheral area.

Hon. Mr. Randall: That is not quite true of Canada Wire and Cable. It is a new product line.

Mr. Lewis: I am sure they are all new product lines, and some of them are new divisions. But how do the wage rates in one plant compare with the wage rates in the metropolitan plant?

Mr. Etchen: Just let me answer that by saying that we have on our board Mr. Matthias of the sheet metal workers. As far as the board is concerned, we supply to our board at Mr. Matthias' special request all the proposed wage rates before these loans are passed. He is a representative of labour. He sits there, and I understand that he is very well respected in the labour movement. Mr. Matthias is the man who says yes or no to this wage rate section.

When the company supplies us with the rates it is going to pay, Mr. Matthias gives us his expert opinion as to whether or not these are reasonable. If he says they are not reasonable—and I think there has been the odd case where he said they have not been reasonable—we have sent the thing out and back again. As far as the wage rates go, it is a primary safeguard before the thing even gets past the board. When we are making a report to our board for approval, we have to be sure that the wage rates meet standards. What is more we have a check, and it is a mandatory check, with the Canada Manpower local office to make sure that before

we submit them to the board, wage rates are reasonable for the area.

Mr. Lewis: Right.

Mr. Etchen: So we do take a good look at this, as we do with all parts of the company's operations. These are checks that we make. We check with the local Manpower office before they even go into our brief. Mr. Matthias is then the man on the board who is responsible for saying yes or no to these wage rates. If he says no, this is final.

Mr. Lewis: Right. I am sure Matthias does a superb job. I am not daunted by his presence on the board. I do not think you were here, Mr. Etchen—you probably would not know that, despite the presence on the Ontario Economic Council of Bill Ladyman and David Archer and Larry Sefton, my colleague from Lakeshore (Mr. Lawlor) summoned all his courage and took on the Ontario Economic Council, and some other members of this caucus were not stopped from viewing something critical simply by the presence of certain representatives.

Hon. Mr. Randall: Next time he is going to do it in English we can all understand.

Mr. Lewis: In this case while Matthias may apparently be able to tell you whether the wage rates are comparable in the area, what I asked was, how do they compare with the area from which the plant is moved?

Mr. Etchen: Let me make this abundantly clear—we do not give loans to a company to move them from one area to another. In other words, if a company is located in Windsor or somewhere like that, we do not give it a loan to move it somewhere else. We just do not give them loans.

Hon. Mr. Randall: Let me see if I can clear up what I think is in the hon members' mind. We are talking about the Westinghouse small appliance plant that moved from Brantford to Orangeville and they do not have a union in Orangeville yet, which is worrying the hon. member for Scarborough West.

Mr. Lewis: No, no!

Hon. Mr. Randall: Have you any idea that they are paying the same wage rate without a union on small appliances in Orangeville as against Brantford?

Mr. Lewis: Was it Brantford or Etobicoke?

Hon. Mr. Randall: Brantford. Etobicoke had nothing to do with it—that was a company

making something that went into factories. It was not an appliance, it was a commercial product they were making there and they offered to take the employees to Hamilton, but the union in Hamilton said the employees could not come here, they would have to go on the bottom of the list.

Mr. Etchen: Well what we do, as I said before, first of all we check with the Canada Manpower. Our officials take these wage rates to the Canada Manpower—who surely know what the wage rates are down there—and say, "How do these compare with what is being paid in the area?" Canada Manpower then gives an opinion as to whether they are reasonable and this is what we pass on to the board. These are all experts and should know.

Mr. Lewis: Well, again I am not disagreeing with you that the wage rates in the area may be comparable. What I am enquiring about is that there is some coincidence in the fact that you loan comes through at precisely the point—and I am really speaking to the minister now—when a plant makes the move. There is more coincidence than meets the eye in the fact that Westinghouse got its \$250,000 at precisely the point at which the move was made. Canada Wire and Cable received \$187,500 at precisely the point at which the move was made.

The work force necessarily feels that there is some relationship between the loan and the move. The work force necessarily feels that because more money was paid in Metropolitan Toronto than is paid in the outskirts to which the plant is moved, there is some relationship in terms of the profits which may accrue.

I think it is a bad practice to be giving the EIO loans which appear to be linked to moves away from urban areas, as in the case of Canada Wire and Cable from Leaside to Simcoe, where the wage rates apparently dropped and where, although it was a different product line, in the minds of the workers in Leaside and those of us given to such conspiratorial suspicion, the fact the money came through at exactly the moment when the plant was moved, bore some relationship to the move.

Hon. Mr. Randall: I do not think that is quite true. That was a new product line started up, some of that product line in Canada Wire and Cable was being made in the States and they brought it over here for the first time and put it in Dunnville.

When Westinghouse went to Orangeville, let me assure you, they assured us they were going to improve their work force in the town of Brantford and they did, until a strike took

place for three or four months. Now what the work force is at the present time, I do not know.

I think you must also remember—and I think this is where the unions had better smarten up—that you are not going to get the same wage rate in Timbuktu as you get here in Toronto. If you want to employ people in the smaller centres instead of having them come to Toronto and get themselves a house here—if they can find one—and pay the living costs here, and expect to get the same standard here as they are getting in Timbuktu, there must be some understanding on the part of the unions.

I do not hesitate to tell them when I am talking to them—whether it is the Ontario Federation of Labour at the meetings or anywhere else—I think they must recognize that if a man is going to build a plant off the track, out of the Metropolitan area or the urban area, and you have to pay for freight in and out, he is going to employ people in that area and he has to be competitive with his suppliers. That is one of the reasons he goes there. Now if we are going to discourage industry from coming into Toronto, which everybody is in agreement with in order to stop pollution, it follows that if a man is going to be 100 miles from Toronto there must be some gain, not necessarily in wages, but there must be some gain or there is no use in him going there. I do not think the difference in wage rates that you are talking about is so great that the people in the area are not benefitting. Now if they are not benefitting I cannot understand why the people in the Westinghouse plant did not immediately grasp the union as a saviour and join the union.

Mr. Lewis: Well you know the reasons—

Hon. Mr. Randall: There was nothing to stop them.

Mr. Lewis: The reasons for difficulty in organizing the plant in Orangeville may have more to do with the absurdities of the certification procedure under The Labour Relations Act in Ontario than the lack of enthusiasm on the part of the work force. That is something we can argue at another time.

Hon. Mr. Randall: As a matter of fact, we feel just as bad about it as you do.

Mr. Lewis: Right. The manufacturer is not weeping. Westinghouse seldom weeps even though its margin of profit is as low as you indicated the other day. Still making 2.7 per cent—

Hon. Mr. Randall: On \$220 million—

Mr. Lewis: They are not yet destitute.

Hon. Mr. Randall: Would you like to put your money into the business? Would you like to buy—

Mr. Lewis: As I pointed out to you the other day, you have already put \$250,000 of the money of the people of Ontario into it.

Hon. Mr. Randall: Social capital, the thing your party is always talking about; social capital!

Mr. Lewis: Right. Do not make those arguments, or I will coin a phrase about “rocks in one’s head.”

Hon. Mr. Randall: Go ahead! Social capital! Let us have another \$100,000 of social capital.

Mr. Lewis: Let us talk about the labour aspects of it. You have given to Honeywell Controls \$218,992 a year or two ago—

Hon. Mr. Randall: And now they are on strike and you are going to blame us for that.

Mr. Lewis: Can I ask how much of that money has actually been expended? Can I ask that of Mr. Etchen? Has it all gone? Has part of it gone?

Mr. Etchen: As far as I know, it has all been despatched.

Hon. Mr. Randall: They built their plant and they got their money.

Mr. Lewis: What does “as far as I know” mean? Is that a certainty? All the money has been expended?

Has it occurred to your department to tell Honeywell Controls, gently, that you would like to dispense public money to plants which bargain in good faith and are appropriate employers, and whose labour relations are not quite as unpleasant as Honeywell Controls’ presently are?

Hon. Mr. Randall: Has it occurred to you that we made the loan over two years ago—

Mr. Lewis: It occurs to me that you committed the money over two years ago. You did not make it two years ago.

Hon. Mr. Randall: Just a minute. We made the commitment two years ago—

Mr. Lewis: Right.

Hon. Mr. Randall: —to build a plant for data equipment intended to be manufactured

either in the UK or the United States. Honeywell Controls came to us and said: "Look, if we build this in a designated area, what is the EIO grant?" The reason they did not build in Scarborough and went to Bowmanville was that it never had an industry before that—or only had one industry, I believe, which was the rubber company. They got the grant; they built the plant and since then they have put on an addition.

They are making this piece of data equipment for the entire world. So the people of Ontario, whether they be in Scarborough or in Bowmanville, are benefitting from that two hundred-odd thousands of dollars.

Mr. Lewis: So, there is benefit withal.

Hon. Mr. Randall: Sure—

Mr. Lewis: The money was committed in 1968. When was the payment made?

Mr. Etchen: It was in May, 1969.

Mr. Lewis: The payment was made in May. The \$218,000 was made—

Mr. Etchen: No, that is when it was committed.

Mr. Lewis: Was committed? When was the payment made?

Mr. Etchen: April 11, just recently.

Mr. Lewis: April 11, 1970?

Mr. Etchen: I am sorry, 1969. The balance at the end of 1969; \$200,000 in April and the balance—

Mr. Lewis: That is not very much of a balance, I will certainly grant that.

Mr. Etchen: I would also like to point out the Bowmanville plant is not on strike.

Mr. Lewis: Yes, I appreciate that.

Mr. Etchen: This plant has a UAW union, but belongs to the Oshawa local and not the local which—

Mr. Lewis: Of course, I appreciate that.

Mr. Etchen: Approximately 200 people are employed at Bowmanville at this time. The job forecast for the EIO loan was 80 and rising to 175; there are now 200 people employed there. The Bowmanville plant, as the minister pointed out, is making special computer equipment referred to as key tape, which is not made in the Scarborough plant, and 90 per cent of this equipment is made for

export. I am advised that no production has been transferred from Scarborough to Bowmanville. It stands on its own. It has its own union. It is employing far more people and, as I said, 90 per cent of it is for export.

Mr. Lewis: Right. As a matter of fact, we have some reports that there is some work going on in Bowmanville that could have been done in Scarborough under the present circumstances. I do not suspect that we are going to be able to ascertain that and certainly the company is not going to admit to that. I am not denying the existence of the plant and its creation of jobs; the heroic work Honeywell is doing. I feel certain they would have located in Bowmanville without the inducement of \$218,000. You have a letter to the contrary?

Mr. Etchen: No, just let me put the facts on that. They were going to put this plant in England and my understanding is that they had already dug a hole in England.

Mr. Lewis: Is that so?

Mr. Etchen: That is how far they got in committing themselves to putting this plant in England. When the company, as all companies do, took a look at what the return on the investment would be, the fact that they would get a \$250,000 EIO loan swayed them, and instead of this product which had been exported to the rest of the world being made in Britain, it is now being made right here in Ontario.

We have got 200 jobs here, we have got exports here, as the Stephenson-Kellogg report shows. Honeywell is one of these companies. The citizens of Ontario are going to get their money back over and over again in taxes and that sort of thing.

Mr. Lewis: Do you have the material on file from Honeywell saying why they have located in Bowmanville—I ask this question in good faith—is it located in Bowmanville because of the EIO loan?

Hon. Mr. Randall: Let me tell you how they located there. At the time they located there, Mr. Wills, who is now, I think, the chairman of the board of Honeywell, or president, I forget which, came in with a number of people from the Canadian Manufacturers Association to complain to me that they thought that the designated area incentive programme was discriminatory. And I agree it is to the guy who does not get it, but you would never sell that to the towns that need industry, including Cornwall.

I pointed out to them why we were doing it, and after I got through pointing out why we were doing it, he said: "You know, you have given me an idea. I think I can go up to Minneapolis and sell my company on putting a company in Ontario and keep it in Canada instead of going to the United States or the U.K. The plans are already drafted. In fact, they may have started to dig a hole overseas." He went to Minneapolis, phoned me from Minneapolis and said, "I got the deal for the EIO loan if I put the plant down in Bowmanville." That is how the plant went to Bowmanville.

Mr. Lewis: With the EIO loan?

Hon. Mr. Randall: That is right.

Mr. Lewis: He just phoned? You chatted over the phone?

Hon. Mr. Randall: I chatted over the phone.

Mr. Lewis: He did not drop you a letter, saying, "Dear Stan: Thanks for giving me—"?

Hon. Mr. Randall: No. He was able to do what I told you the other day. He was able to look at the capital investment and see what the return on the investment would be. The return on the investment under the EIO programme was better for them than going to the U.K. or the United States and we got the business.

Mr. Lewis: Have they opened their books to you?

Hon. Mr. Randall: I do not think that they need to open their books.

Mr. Lewis: Have you asked them to open their books to you since you loaned them \$250,000 in public funds?

Hon. Mr. Randall: I am satisfied that they are doing a good job without opening their books.

Mr. Lewis: Well I am not satisfied that that would be right.

Hon. Mr. Randall: Well, that is all right. You can be unhappy and lay awake at nights.

Mr. Lewis: Oh no, no. As a matter of fact I have been sleeping increasingly well.

Hon. Mr. Randall: Have you?

Mr. Lewis: The Stephenson-Kellogg report last year was not very impressive.

Hon. Mr. Randall: Not to you, but everybody else was very impressed.

Mr. Peacock: I do not think it was very impressive when they were able to rush copies up to the press gallery without giving us one before we had a chance to reply.

Hon. Mr. Randall: I have had the same thing happen in your department. The press get it before you give me the news.

Mr. Lewis: There even remains a number of copies of press articles written on the basis of the Stephenson-Kellogg report. You will recall them—Mr. Del Bell of the London *Free Press* wrote an article. Harold Greer, the columnist, wrote an article. These members of the—

Hon. Mr. Randall: Was he not the one who called around the Liberal campaign office?

Mr. Lewis: They were not overly impressed with the Stephenson-Kellogg report.

Hon. Mr. Randall: Was not Mr. Greer the man that ran the campaign for Mr. Wintermeyer?

Mr. Lewis: That is right.

Hon. Mr. Randall: Wintermeyer, that is right.

Mr. Lewis: And after that setback he has developed vastly more insightful with the passing years.

Hon. Mr. Randall: He has gone back to the newspaper, where he should have stayed.

Mr. Lewis: Fine. The truth is that there is very little evidence to show that the EIO loan, as such, persuades these extraordinary multi-national corporations to relocate. I do not know what Honeywell sales were last year, but I am sure that as a multi-national company they were in excess of \$1 billion. I am sure it has retained earnings in excess of \$200 million or \$300 million. I am sure its profit after taxes was in the vicinity of \$70 to \$80 million. I am recalling these figures from the back of my mind, but I think I am probably right. And I am very much taken aback that \$218,000 alone would have made the difference. Even if it did, I am concerned that you have not said to the same Wills who walked into your office with such friendly camaraderie and said: "Stan, I think incentive programmes are discriminatory," and 48 hours later availed himself of an incentive programme.

Hon. Mr. Randall: Because he did not understand—

Mr. Lewis: You cannot quote him on the—

Hon. Mr. Randall: He did not understand the benefits—

Mr. Lewis: I see, I see. I am surprised. He is now president of the Canadian Manufacturers Association.

Hon. Mr. Randall: Even you do not understand the benefits; I have not sold you yet.

Mr. Lewis: He was fighting inflation.

Hon. Mr. Randall: I have not sold you yet.

Mr. Lewis: Fighting inflation by throwing people out of work at Honeywell Controls in Scarborough?

Hon. Mr. Randall: No, no, no.

Mr. Lewis: Right. That is what—

Hon. Mr. Randall: There is an economic back-up there between the workers and the management and they both get the same kind of breaks.

Mr. Lewis: As a matter of fact, that too is opinion. I have never seen anything more loaded against the work force than is now loaded against them at Honeywell Controls in Scarborough.

You have a forgiveness feature of your loan. You go back over it and review it for five or six years, do you not? You apportion it, balance in the sixth year or you are saying that you have given all the balance in advance?

Mr. Etchen: No, we forgive one-tenth in each of the first five.

Mr. Lewis: You forgive one-tenth in each of the first five years and the balance at the end of the sixth year.

Well, Mr. Etchen, this is a matter of policy. I shall not put this labour on your shoulders.

I do not mind saying to the minister, that in the objectionable circumstances of that strike in Scarborough you, as a minister, might well call Mr. Wills in. I am sure you know him well—I am sure you are on a first-name basis.

You say to him: "You have got a lousy labour situation in Scarborough, it has been mishandled. The conciliation board gave a no-board report; the conciliation officers gave

up on the company three weeks ago; bargaining and bad faith is immediately apparent. There is no reason in the world why it should not be settled. For God's sake Wills, you have got \$250,000 of public money systematically forgiven over the next five or six years, behave like an adult and have some responsibility to your work force."

It does not mean that you are going to take away the plant from him. It does not mean that you are not going to forgive him the money. It just means that you ask him for some sense of social responsibility in return for the moneys which he has received *gratis* from the province of Ontario.

I do not think that is a particularly unworthy request. I do not think that it is a particularly inappropriate request—even if you were on his side in the labour dispute. Even if you thought what the UAW local was asking was reprehensible, you still have an avenue, by way of forgiveness of this loan, through which to approach this fellow Wills and say: "In our present climate of labour in the province of Ontario and the problems of unemployment, and while you are president of the Canadian Manufacturers Association, it is not a very intelligent position—to do what you are doing to the workers in Scarborough and take \$250,000 in public money."

I do not really think that is so unfair, Mr. Minister, and it is worth considering. It reminds me of the other remark you made earlier on when you said we do not like to put industries into Toronto because of the pollution there.

Let me ask you something. You have given Kimberly-Clark—

Hon. Mr. Randall: I did not say we did not want to put them in. I said the chances are they add to pollution.

Mr. Lewis: They add to pollution. Right.

You have given Kimberly-Clark, an American corporation, a \$269,433 forgivable loan. Am I right? Cannot that be checked out?

Hon. Mr. Randall: Yes, I think you would be right.

Mr. Lewis: You think I would be right. I think I would probably be right too.

Hon. Mr. Randall: You are very seldom wrong.

Mr. Lewis: You have given the Dryden Paper Company Limited, part of the Reed Group, a nonresident-owned firm, a \$500,000 forgivable loan. Am I right about that? You have given—

Hon. Mr. Randall: Do you object to these companies getting those loans?

Mr. Lewis: You have given Boise Cascade, as of May 1 this year, another promise of \$100,000 for a forgivable loan. Am I right in that? It is an American firm is it not?

Hon. Mr. Randall: What difference does that make?

Mr. Lewis: Just a second. You have given Ontario-Minnesota Pulp and Paper Company, a totally-owned subsidiary of Boise Cascade, \$117,083 as of June 10, 1968. I think I am right in that.

And you have given Domtar, which is a reputable Canadian company, and was just fined \$1,000 for pollution under section 27 of The Ontario Water Resources Act, you have given them a \$484,000 forgivable loan in one place, and you have now given them \$439,000, which we all hope will be expended in the Cornwall area—1969.

You have given \$2 million in forgivable loans either to foreign-only pulp and paper companies, or to the Canadian pulp and paper company which, for whatever reason, was found guilty of pollution and fined \$1,000. Am I right in that?

Hon. Mr. Randall: That is right.

Mr. Lewis: Okay. Has it ever occurred to The Department of Trade and Development that to hand out between \$1.5 million and \$2 million to the major polluters in the province of Ontario, without requesting them to terminate their pollution, is perhaps a peculiar use of public funds?

Hon. Mr. Randall: You know, with all your brains, this is what amazes me.

Mr. Lewis: I am not asking you to comment on my brains.

Hon. Mr. Randall: I am going to analyze you for a minute. With all your brains you think that they can wave a magic wand at a paper plant and overnight they can solve pollution. You think a lousy \$1,000 fine will stop the company. You think the—

Mr. Lewis: A lousy \$1,000 fine?

Hon. Mr. Randall: That is what you said, is it not?

Mr. Lewis: Your language. I did not use that language.

Hon. Mr. Randall: You said a \$1,000 fine.

Mr. Lewis: I am very selective in my language.

Hon. Mr. Randall: You are. Yes, I know you are. You use a \$3 word.

Let me point out to you that the loans that these people are getting are providing jobs for the fellow sitting on your left over there in northern Ontario. I am going to ask you right now, would you want us to withdraw all those loans?

Mr. Lewis: Did I say that?

Hon. Mr. Randall: I am asking you.

Mr. Lewis: Did I say withdraw the loans?

Hon. Mr. Randall: You are indicating it.

Mr. Lewis: As sure as hell, I am not indicating a withdrawal of the loans.

Hon. Mr. Randall: You sure are. You are against them.

Mr. Chairman: Order!

Hon. Mr. Randall: He does not want the loan to northern Ontario.

Mr. Lewis: Greater propriety!

Hon. Mr. Randall: That is right; he does not.

Mr. Chairman: Order!

Mr. Lewis: Come on now, the Chairman is calling the minister to order.

Hon. Mr. Randall: He is calling the hon. member to order.

Mr. Chairman: Mr. Sargent was the last one, Mr. Lewis.

Mr. Lewis: That is a personal vendetta which the Chairman is pursuing.

Mr. Etchen: Mr. Lewis, may I just throw some light on this because I think we are going a little off the track.

Mr. Lewis: No. I know that those firms are not engaged in pulp and paper operations.

Mr. Etchen: Just let us put this in proper perspective. Boise Cascade Home and Land Limited was given that loan in Hensall for building mobile homes.

Mr. Lewis: I appreciate that.

Mr. Etchen: They are not, as far as we know, and we have had this checked out, in the pollution business.

Mr. Sargent: You did not get onto mobile homes, did you?

Hon. Mr. Randall: Sure.

Mr. Etchen: Sure, and we are going to look after your constituent if you send him in.

Hon. Mr. Randall: Send them down.

Mr. Sargent: When they do come on down, you tell them to go back home.

Hon. Mr. Randall: Send him a wire.

Mr. Etchen: Boise Cascade are making mobile homes in Hensall. They are not in the pollution business, and the local people are satisfied on this.

Another one that you mentioned was Domtar in Cornwall. Domtar has been checked out by the local authorities down there. They are highly satisfied. This is one company that is not going to pollute. In fact we had an engineer in beforehand. It was cleared with the Ontario Water Resources Commission.

Mr. Lewis: I am delighted to hear it.

Hon. Mr. Randall: You see; ask us the questions, and we will give you the answers.

Mr. Etchen: We held up the application of Ontario-Minnesota until we got a clearance on the pollution aspect from the Water Resources Commission Management. I would also like to throw some more light on this—

Hon. Mr. Randall: It was held up for nearly a year, if I remember.

Mr. Etchen: Yes, we did hold it up. We have issued instructions to all the consultants in the Ontario Development Corporation that before any loans are made to any company—and this was issued about a month ago—they have to be cleared with the Ontario Water Resources Commission, the air abatement branch, or whatever is the appropriate authority. I think that might answer Mr. Lewis' question.

Mr. Lewis: When did you issue the notice?

Mr. Etchen: About a month ago.

Mr. Lewis: You issued it about a month ago? After you had distributed \$35 million worth of loans?

Mr. Etchen: I think I had better explain it. You have mentioned companies. I just said that I have indicated in most of the other cases we have taken a look at this. I indicated we held up Ontario-Minnesota.

Mr. Lewis: Mr. Etchen, I am pleased that the anti-pollution aspect has finally come to The Department of Trade and Development in the administration of EIO loans.

Hon. Mr. Randall: Everything but the NDP department.

Mr. Lewis: It came in April, 1970. It is a little behind the rest of the public in its concern for pollution, but I feel certain, Mr. Etchen, that you would have liked to do it at the inception of the programme, but only your minister held you up. I do not think that it has anything to do with the civil service. I know that it is government policy and I am relieved that government policy changed by April, 1970. That is still not the basic point I was making, although one of them.

Hon. Mr. Randall: You mean you are going to change your story.

Mr. Etchen: May I just clear up this one? I indicated to you that we were doing this before then. We held up Ontario-Minnesota for a year. With Domtar, while the application was in, we had them check with the Ontario Water Resources Commission and the local people. Where we had any indication at all that there was going to be pollution, we certainly took a look at it. All that the instructions in April did was merely to formalize things.

Mr. Lewis: I see; so be it, fair enough. I am pleased to hear that the industries you are inviting into Ontario will not add to the pollution. I would have thought that to be the most modest of requirements. It is nice to know that it is being done.

Hon. Mr. Randall: May I also point out the one at Fort Frances we announced in the House the other day, a \$45-million plant, with \$6 million being spent for pollution abatement equipment before they even get started.

Mr. Lewis: Before they even get started?

Hon. Mr. Randall: You will be happy to know that.

Mr. Lewis: Well it is—

Hon. Mr. Randall: Again, I want you to sleep comfortably tonight.

Mr. Lewis: Oh, it is just extraordinary; the homage that should be paid this grant knows no bounds. However, you are still giving significant sums of money to the major polluters in the province of Ontario. Now, no one is suggesting that the money—

Hon. Mr. Randall: You prove it! Prove it!

Mr. Lewis: —well, I have it right here in front of me. Boise Cascade, Kimberly-Clark, Dryden Paper, Domtar—as a matter of fact, you know, Ontario-Minnesota is hardly something that one should pride oneself on.

Hon. Mr. Randall: They are bringing the wagon for you now.

Mr. Lewis: If it had not been—you know, I am glad to see that your devastating repartee gets a lesser and lesser response.

Mr. V. M. Singer (Downsview): That was one of his better efforts.

Mr. Lewis: Boise Cascade is an interesting example, Ontario-Minnesota would have been brought to court by your government two or three years ago were it not for the personal intervention of one John Simonett, who was still Minister of Energy and Resources Management before he ascended to a more senior portfolio. The truth is that many felt very strongly in the province of Ontario that Ontario-Minnesota was ravaging the north more directly than most companies. They are all under ministerial order. These companies to which you are granting large sums of public money are under ministerial order, ministerial warrants, and have been directed to clean up pollution and many of them have been delinquent. Some of them are still being fined on a regular basis.

It seems to me that it would be right to use the EIO loan—if one insists on having the programme—as another lever to prod them into action. That is really what I am putting to you. My colleagues from northern Ontario do not view it as a way of removing industry from the north. My colleagues in northern Ontario would view it as a way of forcing those people to eliminate pollution much faster than they might be willing to do. If they are going to get \$500,000 *gratis* from the government, then they do not continue polluting Lake Nipigon or Kapuskasing, or wherever they happen to have a subsidiary that is engaged in a major pulp and paper operation.

Hon. Mr. Randall: You know it staggers me how far-sighted the people in your party are. I have been in this House for seven years, and I never heard you mention pollution until the last year, when the newspapers and everybody else started to mention it and you climbed on the bandwagon. Now it has become one of your—

Mr. Lewis: No, no!

Hon. Mr. Randall: Well, I have been here seven years and never heard your platform on air pollution.

Mr. E. W. Martel (Sudbury East): In 1968! You are a little out in your figures.

Hon. Mr. Randall: Okay, 1968. We have been doing something about it since 1965.

Mr. Martel: My predecessor who was in the area, Bob Powers, introduced the bill in 1945, so do not hand me the guff.

Mr. Chairman: Order please! Mr. Lewis has the floor.

Hon. Mr. Randall: There has been \$2.5 million spent on pollution by industry and government since 1957 in this province. You never mentioned—

Mr. Martel: Too bad you would not spend a little in the southern areas.

Mr. Lewis: Mr. Chairman, you will agree, sir, that we have been maligned and slandered and that something should be said in defence. I remind the minister of KVP and Espanola and Premier Leslie Frost, who has also ascended to another position—

Hon. Mr. Randall: Just one case.

Mr. Lewis: One case. I will remind you that in the major debate in the Legislature in 1966 it was the hon. Mr. Simonett who said that there would be no more pollution in the province of Ontario by 1970—a clairvoyant, a man of accurate prediction!

You know it is a sustained battle for us, and we like to use every single lever we have, and if you are going to give away \$2 million of public money to pulp and paper polluters, then you should extract from them a commitment as to when they are going to stop polluting in northern Ontario or they do not get their money. And you will find they will stop so quickly it will surprise you, even with your scepticism. That is a legitimate request to make of companies that have wantonly done what they are presently doing to the environment.

Hon. Mr. Randall: I will pass on your compliment.

Mr. Lewis: Thank you very much. It is the first time that you have so amiably accepted my suggestions.

Hon. Mr. Randall: Oh, I am always agreeable. You know that, Stephen.

Mr. Lewis: I have one more question to ask and then I will shut up, as you would wish me to do.

What about Courtaulds, that worries me slightly? How do you differentiate between the amounts of money you give for one product line and the amounts you give for another division? How can you continue pouring money into the same plant when it has already laid off over 600 people, never seems to hire as many again and is constantly in jeopardy of laying off further?

All of us in this House would wish more jobs for the Cornwall area, but does this not show an amazing lack of planning for Cornwall, to keep on pumping public moneys into a plant that continually closes its divisions? There has been a lot of information elicited here today—which some of my colleagues will elaborate on—about the Cornwall area which shows it is even more surprising than that.

But let me ask you about Courtaulds alone, because we have had an exchange on this in the past.

Mr. Etchen: Well, Courtaulds have several divisions.

Mr. Lewis: Right.

Mr. Etchen: And we gave one to expand the synthetic fibres, because this was definitely going to increase jobs. The rayon line was closed and the one that we gave was for this different product, for the equipment. So one of the loans we gave was for a different product, it was not for the rayon line.

So what we are saying in effect is this: Okay, they are going to close one down anyway, but they have an opportunity. They run several divisions. The rayon division is going to be closed for economic reasons, so this is something we just simply have to face. Now they are going into another line which makes business sense—which looks as though it has a reasonable chance to expand some jobs.

It is not a question of whether we can bring back the rayon line. It is uneconomic; it is not going to go; the company itself has made the decision, not us.

We looked at it and we saw they were going into synthetics which they were prepared to do, if they got assistance. While it would not compensate for the loss of these jobs, there is no question about it, it makes sense.

It would increase employment, and particularly in Cornwall, which needed it. We realize, the same as you do, that there have been a substantial number of layoffs and this would be some contribution. It was already in Cornwall and it did not have to be brought in, it was something we could count on to give some assistance in the Cornwall area.

Mr. Lewis: You have given two loans to Courtaulds.

Mr. Etchen: The other one was for Caravelle Carpets, which is associated very closely; I did know at one time just what their association was.

Hon. Mr. Randall: Oh yes, and if they are selling \$600 million of carpets a year all over the world and they are employing 1,000 people, that is what Cornwall needs.

Mr. Lewis: Yes, absolutely, I agree.

Mr. Etchen: Yes, well, it is very closely associated with Courtaulds.

Mr. Lewis: Who is doing that?

Hon. Mr. Randall: I say, in five years from now, if they are selling \$600 million worth of carpets a year and employing 1,000 people, why that is what—

Mr. Lewis: In five years from now?

Hon. Mr. Randall: Sure.

Mr. Lewis: Right, well—

Hon. Mr. Randall: We are optimists.

Mr. Lewis: Where lies the dreamer? Cornwall's history with Courtaulds has hardly been that auspicious.

Hon. Mr. Randall: They have been good employers in the past.

Mr. Lewis: Well, the loss of 650 jobs in three months is not the greatest reassurance.

Hon. Mr. Randall: Have you looked at the the lining in your suit lately?

Mr. Lewis: I try not to wear suits.

Hon. Mr. Randall: Take a look at the lining in your suit. I will tell you, Courtaulds used to make all the material that the suit manufacturer made the inside lining for your suits from. Today that all comes from Taiwan, and that is one reason why Courtaulds have had to close out their textile division.

Mr. Lewis: I know the problems of the textile industry.

Hon. Mr. Randall: They are going into other areas and the EIO loan—if they say, “We are going into a new product line, we are going to enlarge our production there, it may not be this 600 employees we have laid off, at least we will save 125 jobs.” If we had not gone in you would have been here today criticising us for not helping Courtaulds.

Mr. Lewis: No, that is not so.

Hon. Mr. Randall: Make no mistake about it.

Mr. Lewis: That is not so.

Hon. Mr. Randall: Oh, yes, you would have.

Mr. Lewis: What we are trying to say, or what I have tried to indicate, in basic, Mr. Chairman, is that there should be a number of other criteria in the establishment of EIO loans if they have to persist at all.

I, for one, am not persuaded that EIO loans make a significant difference in the location of industry, but apparently the minister is.

Hon. Mr. Randall: Do you suggest that if we discontinue all other provinces will do the same thing?

Mr. Lewis. As a matter of fact, I think there may be other kinds of incentives. We discussed them in the House before; I am sure we will go into them again, this probably is not the place. But factors such as the labour relations of the company, the relationship of the company or the industry to pollution and its record elsewhere in the province—its involvement, in fact, in other parts of the world. I would even go that far in terms of the way in which it behaves as a corporation.

The insistence that there be total and absolute disclosure of all its financial dealings, if it is in receipt of major amounts of public money. Advance notice of six months to a year minimum, if these companies in receipt of public money are going to lay off employees, by way of shutdown or closure. All of these stipulations should be written into the granting of EIO loans, particularly when over 50 per cent of those moneys are going to non-resident corporations to increase our dependency.

You and I will never agree on the relative merits of foreign investment in Canada, but

surely the conditions under which that investment is allowed, even by your government, should be fierce. They are extremely lax and it is worth trying in these conditions in all these separate instances the we have been discussing.

Hon. Mr. Randall: May I just leave one thought with you before I get away from it, because we may never get back to it again. Let me just give you something; I have a report here.

From 1926 to 1968 we have more than doubled our population, and between those two years the long-term investment in Canada by non-Canadians, after deducting our investments abroad, has increased four-fold from \$148 per head of population to \$750. Net interest and dividend payments have slightly more than doubled from 22 per head to 47 per head—this is where you win—but the average income of Canadians per head has increased five-fold from \$452 in 1926 to \$2,490 in 1968.

So for all that increased investment and the know-how that goes with it we are paying an extra \$25 for each Canadian, and with its aid we have gained the income of more than \$2,000 for our people. Now, you go to Ford and American Motors and any of these companies down in eastern Ontario or anywhere they have an American subsidiary, you ask the municipal fathers or the labour unions if they want those companies to fold and leave Canada, and I will tell you what they will tell you, they will run you out of town on a rail.

Mr. Peacock: Do not tell us that all of that investment accounts for all of the five-fold increase in our levels of income because it does not.

Mr. Lewis: Right.

Mr. Peacock: Billions of dollars in investment on education account for a good piece of that increase in the levels of income.

Hon. Mr. Randall: Sure, this just goes to show you that they are good Canadian—

Mr. Peacock: To the benefit of those corporations!

Hon. Mr. Randall: —corporate citizens and without them you would not be as far as you are today.

The other day in the House my hon. friend said, “Do you know that Ford is down to four days a week and American Motors have been laid off for two weeks?” They are

two American companies and I do not know why you even bothered bringing them up.

Mr. Peacock: It does not excuse our lack of financial data and equity participation, though.

Hon. Mr. Randall: I will not change the subject, I am just telling you what to do with it.

Mr. Lewis: You are right, I do not intend to change the subject, Mr. Chairman.

Hon. Mr. Randall: Well, let us drop it and get on with the vote.

Mr. Lewis: Well, such inflammatory and inciting statements. The fact about the EIO loans is that—

Hon. Mr. Randall: If I cannot match you I will join your party.

Mr. Lewis: —they do, in fact, shore up exactly what you have now described, and what you have now described has two really serious flaws in the logic. First, is the amount of—

Hon. Mr. Randall: Here comes the twist.

Mr. Lewis: No—the amount of the increase that is due to investment in the public sector, not your private corporations but in the public sector, in terms of improving the standard of living and the basic economic wherewithal. The second reason is—it amazes you to hear me talk about it—

Interjection by an hon. member.

Mr. Lewis: Indeed it does, it amazes me to hear you talk about it as well. The truth is that all of this money you talk about is our money, it is not foreign investment. It is Canadian money.

Hon. Mr. Randall: Would you have had the money if they were not here?

Mr. Lewis: They own us and control us with our own money.

Hon. Mr. Randall: Would you have had the money if they had not been here?

Mr. Lewis: Well, I may say to you that in the year 1970 the money is here and there is no reason in the world why we should not take control of it and insist on behaviour which invests for the benefit of this province.

Hon. Mr. Randall: Your party is now advocating confiscation.

Mr. Lewis: You know, I am not even going to reply to that nonsense.

Hon. Mr. Randall: That is exactly what you are saying.

Mr. Lewis: —I am not even going to get into that foolishness with you.

Hon. Mr. Randall: Confiscate all the foreign money in this country.

Mr. Lewis: Is that what you—

Hon. Mr. Randall: That is what you just said.

Mr. Lewis: I do not know how the Chairman is containing himself.

Mr. Chairman: It is difficult.

Mr. Lewis: He is very close to the minister and he is containing himself. We are saying to you that you have the right as a minister to exact from these corporations rules of behaviour which are in the interests of Ontario's economy—no one is talking about confiscation—because it is our money with which we are being controlled.

You know all the figures that are involved in that equation, and it is time that you moved on it instead of reinforcing it by granting more than 50 per cent of your EIO fund to non-resident corporations. That is a perfectly legitimate argument; you do not have to “red herring.”

Hon. Mr. Randall: I am not “red herring.” What would your party do if you come to power tomorrow.

Mr. Lewis: What do you mean “what would you do?”

Hon. Mr. Randall: In reference to foreign investment.

Mr. Lewis: Could I, Mr. Chairman? I would like the rest of the afternoon and evening.

Mr. Chairman: Now if you will come to order, I—

Mr. Lewis: Now we have been asked a question by the minister and I am sure the Chairman feels that there should be a reply—

Mr. Chairman: You have the floor if you wish.

Mr. Lewis: Would you like to—

Hon. Mr. Randall: Go ahead—give me your views as to what the NDP would do if it came

into power tomorrow. What would it do about foreign investment—how it would stop it and what it would do with the investments now here? In other words, changing the rules in midstream.

Mr. Sargent: That is not in the vote.

Mr. Lewis: What do you mean it is not in the vote? Is it in the vote, Mr. Chairman, because I will take some time? Do you want to discuss the—let us first discuss some of the areas that we have been talking about this afternoon. Let us discuss the pulp and paper industry—

Mr. Chairman: I do not wish to inhibit the discussion particularly between the member and the minister, but I would ask you to stick to the votes that are before us; 2207 and 2208. Carry on.

Mr. Lewis: I would like to, with the permission of the committee, rather than taking the committee's entire time, I would be pleased to table a simple appendix to these estimates setting out the policy very clearly, on foreign control and foreign ownership. It has appeared publicly before in the *Toronto Daily Star* by Donald MacDonald. You may recall that you yourself wrote on that page, Mr. Minister. I think it would form a worthy adjunct to the estimates as herein discussed.

Mr. Stokes: The members of the committee said put up or shut up. I think they insist that we table it.

Mr. Lewis: I know what is going to happen if I—I would like the minister's permission for that. Then it will be available once and for all. Later in these estimates, perhaps at 8 o'clock, when we reconvene, we can pursue matters even further—

Hon. Mr. Randall: Table it. Let me have a look at it.

Mr. Lewis: —go into some of the details.

Mr. Chairman: Have you finished with your questioning, sir?

Mr. Lewis: I have finished with my questioning, but I reserve the right, sir, to re-enter on the subject. I would appreciate that, Mr. Chairman.

Mr. Chairman: Mr. Yakabuski.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, in view of all the earth-shattering talk of the last 40 or 50 minutes my words

may seem quite insignificant. However, I have observed with interest the various cases brought up by different members pertaining to applications for IEO and—

An hon. member: EIO.

Mr. Yakabuski: EIO. Okay. In most of the cases, after the minister or Mr. Etchen has had an opportunity to explain, we see where the branch, or ODC, has had a very valid reason for turning these down.

Now, I could cry too, because last winter we had an operator in our area who was turned down and, of course, immediately he mentioned cases like Union Carbide, Huyck—the largest corporations—and I felt badly that my good operator in my constituency was not able to receive this loan. However, when the case was laid before me with all the details, I readily understood why the loan was turned down and for very valid reasons. I think this has been the case so far in all the isolated cases I have heard mentioned by Mr. Sargent; Mr. Deacon this afternoon had mentioned Nipigon Plywood, and it seems that he came here with only half the facts or only one side of the story, and when we know the whole story we readily understood why the loan was turned down.

There has been a lot of talk about Canadian ownership and Canadian control. It was discussed here yesterday; it has been discussed here again this afternoon at some length, and I think it is not only they on that side, but we on this side also who are quite concerned. We would feel much better if there was greater Canadian ownership, more Canadian control, but it is a fact of life and nobody to date has given any ready answer to this very important problem.

You can talk about it in theory. Mr. Deacon talked about the Canada development corporation, first mentioned by Mike Pearson about some five years ago perhaps, but nobody has told us why the Canada development corporation has not got off the rails. I am sure there are reasons; there have been obstacles in the way. These things do not have simple answers. And I have to agree with my friend from Parkdale (Mr. Trotter): We all feel there should be greater Canadian ownership, more Canadian control, not only in industry here in Canada but also in the trade union movement.

Only a couple of weeks ago in the House, the member for Sudbury (Mr. Sopha) mentioned that the United Mine, Mill and Smelter Workers were sending millions of dollars over—

Mr. G. Demers (Nickel Belt): It is the Steelworkers.

Mr. Yakabuski: The Steelworkers was it? They were sending millions of dollars over to Pittsburgh, and he held out his hand and said, "they are shoving a few crumbs back in the palm of their hand."

I think if we may concern ourselves about Canadian ownership and Canadian control, we have to deal with the two things, because they go together. I am reminded, too, that back on, I believe July 8, 1964, I happened to be in these very buildings when the typographical union—is that the one that was at the *Globe*, the *Tely* and the *Star*?—the local union voted to accept the contract offered by these three dailies at that time. Head office in Colorado Springs, Colorado, said, "No"—

Mr. Demers: Yankee imperialism!

Mr. Yakabuski: —and for three winters I would occasionally walk up the street in front of those papers, and here were those poor workers with those sandwich boards on their back, their shoes worn out, and they stayed there until their boards rotted and fell off and their shoes fell off too.

Now that is a terrible situation, and it is a real tragedy when we have that kind of control from outside the country. Certainly we all feel badly about this, and I hope in the coming months and years we will find answers that are practical to this very disastrous situation.

As I say, you cannot talk about control of industry and control of corporations without talking about the trade union movement also. That is all I have to say.

Mr. Chairman: Mr. Yakabuski is completed? Mr. Sargent.

Mr. Sargent: Mr. Chairman, with all due respect to my friend, Fern Guindon of Cornwall, in going over two years of loans here, I find that in Cornwall there was a loan to Forged Steel Valve, \$500,000; Linwood Upholsteries, \$51,000; Domtar Fine Papers, \$439,000; Eastern Cloth, \$261,000; Linwood Upholsteries and Furnishings, \$49,000; Mosaic Artistic Glass, \$32,000; Iroquois Template, \$82,000; Compa Records, \$198,000; Glencoe Cheese Factory, \$35,000; Forged Steel Valve, \$500,000; Caravelle Carpets, \$81,000; Chisholm Lacrosse, \$18,000; Cortel, \$199,000; Howard and Sons, \$144,000; Kraft Foods, \$500,000; Sims Cabs, \$45,000—in all, possibly 10 or 12 loans amounting to probably \$3 million or \$4 million going in there.

Hon. Mr. Randall: \$2.5 million, I think it is.

Mr. Sargent: And they probably need every nickel of it, and they probably need another shot double that to cure the present— But we have this task force that the minister is going to chair tomorrow, I understand, between Ottawa and himself.

Hon. Mr. Randall: My deputy is down there today.

Mr. Sargent: Insofar as the Cornwall area is concerned, as the minister knows and the Chairman knows, the Grey-Bruce area is the lowest in the economic fabric of our whole economy. We have the lowest income, running from \$1,500 to \$2,000 at the highest; \$1,700 is the average income of our people. I think if there is one area that needs a task force to go in and do a job, it is that area, and this department is the one that can give us a shot in the arm that we need. I would like to have the minister put that in the back of his mind and say that, as a target, you should pick the lowest area and go to work there.

Fern has done a good job getting all these injections down there, and the fact that he is a member of the Treasury Board would not hurt him either, I guess. But it is interesting to note that we have the hon. Provincial Treasurer on Treasury and he has done a pretty fair job with that industrial park of his in Centralia. I would like to ask the minister, when did you change the ceilings from \$500,000 to \$250,000? Was it May, 1969?

Hon. Mr. Randall: What did you say?

Mr. Sargent: You changed the formula for the areas of the province. Eastern Ontario was knocked down to \$250,000, was it not?

Hon. Mr. Randall: No. It was left at \$500,000. But southwestern Ontario was knocked down from \$250,000 to \$100,000.

Mr. Sargent: Yes, well, let us just have a look at that now. There was a series of loans for Centralia—Dashwood Industries, \$250,000; Daymond Company, \$142,000; Paul Lamp, \$250,000; Vokes, \$18,000; Dominion Road Machinery, \$136,000; Western Foundry, \$89,000—a total of six loans for the Treasurer's area. I understand that the day before you made the ceiling in that area \$150,000—

Hon. Mr. Randall: No. It is \$100,000; it was formerly \$250,000. And anybody who made application before we changed it, got the \$250,000; there was no change.

Mr. Sargent: I understand that the day before you made the ceiling \$100,000, that area got a total for \$250,000. They knew the target date was going to be \$100,000 the day before you granted them the \$250,000 loan. Would that be to Dashwood Industries?

Hon. Mr. Randall: I could not tell you that exactly.

Mr. Etchen: All companies, not just Dashwood, but any company in the province of Ontario that had received an approval in principle, irrespective of where it was, irrespective of what the company was, any company that had an application that had been approved in principle, prior to June 30, 1969 was eligible for the \$250,000, even though on July 1 the amount was cut. This was applied to everybody. This information was sent out in notices all over the place. Nobody had any special in, and never has had. I am going to deal with that point later.

But just let us clear up this point. Every company was notified that it had been approved in principle—they had to get their applications in—that after June 30, as had been announced years ago, the existing programme was going to phase out. This was made known to everybody. Everybody was treated alike. Those who had got applications in, approved in principle by the end of June, provided things checked out, were given the \$250,000. There was nobody—it did not matter who he was—who had any special treatment.

Mr. Sargent: All right, Mr. Etchen, would you advise me about the Centralia area deal? What loans had been approved but their programmes had not been activated? What loans that had been approved in Centralia had not been taken advantage of?

Mr. Etchen: There were three EIO loans approved in Centralia. I am just looking them up for you. One was to the Daymond Company, one was to Hughes Vokes and—

Mr. Sargent: Has Dashwood taken advantage of the loan and is it in operation?

Mr. Etchen: Dashwood Industry is not in the Centralia industrial park at all. They are in the village of Centralia, which is several miles away.

Mr. Sargent: Have they taken advantage of it?

Mr. Etchen: Yes, they got a loan. I will just look it up for you.

Hon. Mr. Randall: They qualified as a designated area.

Mr. Sargent: I see. What about Hall Industries' \$250,000 loan?

Hon. Mr. Randall: They went into Centralia.

Mr. Sargent: Are they in operation?

Mr. Etchen: Yes, they are in operation.

Hon. Mr. Randall: They are one of the biggest employers down there. Hughes Vokes is another one.

Mr. Sargent: All right.

Hon. Mr. Randall: May I just say to the hon. member, if an area is designated, I do not care where it is, if it is Owen Sound or anywhere else, if people come into see us, the application is processed. If they qualify and they are going to build a plant, they get a loan. It does not matter where they are located, I can assure you.

Mr. Sargent: Finally, Mr. Chairman, the motivation behind the ODC loans is, as the minister says, to create jobs. Our party's submission, since the launching of these estimates, is that a great segment of the economy is not having access to this money. We are saying nothing about the jobs but the right to stay in business, to borrow money and the same amounts as American firms are enjoying.

Now going through these loans here—

Hon. Mr. Randall: You mean all firms, not just American.

Mr. Sargent: I have no beef about Ontario firms getting operating capital for expansion. That is our business.

Hon. Mr. Randall: An American firm is an Ontario firm if it is operating here, as far as we are concerned.

Mr. Sargent: You are not an nationalist. I think our party stands for Canada and we like to protect Canada.

Interjections by hon. members.

Mr. Sargent: That is fine. In a nice way, I would like to tell you that this guy, the hon. nice guy standing there, is selling us down the river to the States. There are no two ways about it. When you get \$15, \$16 and \$17 million handouts in one year to firms that are in excess profit brackets over there and which will be in our economy anyway, because—

Hon. Mr. Randall: Can you guarantee that?

Mr. Sargent: Pardon me?

Hon. Mr. Randall: Can you guarantee they will be here.

Mr. Sargent: Well, they—

Hon. Mr. Randall: Oh, no, oh no!

Mr. Sargent: By virtue of the fact that we have created this, generated this economy, they are coming here to get their share of the market, and the motivation—

Hon. Mr. Randall: Let me ask you one question. You know when your area was designated federally—

Mr. Sargent: Yes.

Hon. Mr. Randall: —it was a holiday playground. The minute it was designated federally you got industry in there and became an urban centre with a number of industries that went in. Now you are not sitting here telling me that those companies that went in were going to go there anyway? Those companies went in there under the federal designation, because Ottawa had an incentive plan, the same as we have in EIO. I do not care what anybody says, because I happen to be pro-American does not mean I am anti-Canadian, believe me.

Mr. Sargent: I did not mean that, Mr. Minister.

Hon. Mr. Randall: No, I do not think that anybody is more Canadian than I am, but I think I have—

Mr. Sargent: I take that back. I do not mean that.

Hon. Mr. Randall: —a different philosophy about industry, foreign investment here, than most people have. I take a look at it on the basis of the long run and the overall picture of the economy. But I just want to point out to you, that in your area up there, you took advantage of the federally designated area, and you got several millions of dollars. In fact, the only criticism that I would have of the federal government programme—and I think you recognize it—they left it on so damned long, that after they mopped up unemployment in Owen Sound, then people started coming from as far away as Newfoundland and flocked in there. Your municipal authorities had to extend the sewers. They were short of housing. Then these firms

did not develop all the jobs they wanted and the plan was lifted off. You were left with a number of people who came there looking for jobs.

They were not Owen Sound people in the main, as you recognized. When I talked to you, I recognized that we must do something—I think you had 12 per cent unemployment there when you spoke to me—so we designated it. I think we have got two loans in there now. If there are any other prospects, bring them in and we will look at them. It does not matter and I do not care where they are. If we can get them in Owen Sound, I will get them in Owen Sound.

But I just want to point out to you, that despite what some of your friends here are saying that they would go anyway, and I do not care whether they are worth \$10 billion. They will go where they get the best deal from any province or any state in North America. You can talk yourself blue in the face and you can never prove to me that because we gave them an incentive loan we are wasting the taxpayers' money, that they would go anyway. They will not go anyway.

They have gone where we want them to go because of an incentive programme and nothing else. I talked to the mayor of Cobourg the other day, and he said, "Mr. Randall, we have five industries in this town, and every one is American, and thank God for Americans, or Cobourg would be a cemetery with lights." I just ask you to think of that for a minute.

Mr. Sargent: All right, thank you. You will remember—

Mr. Lewis: That's where you get your quips from Mayor Pulford of Cobourg?

Mr. Sargent: In the three years of loans I have circled, I will just take any one page. Here is a case. I have got \$10 million in loans here and in all these loans they employ fewer than 400 people. Here is a loan to Adult Milk Products, \$329,000—12 people employed. Here is a loan to Book Print in Kingston township, \$419,000 with nine people. The job flow it says will be 38 eventually, but that is a hell of a lot of money for nine people.

Mr. Etchen: Can I just clarify this for you, so that we do not get off the track? With Ault Milk it is quite true that the jobs were only 12, but let me tell you what the other benefit is. Without this, the maintenance of—

Mr. Sargent: I cannot hear you, I am sorry, Mr. Etchen.

Mr. Etchen: The main reason for giving the loan to the Ault Milk Company—

Mr. Sargent: Adult Milk.

Mr. Etchen: No, it is Ault, A-u-l-t.

Mr. Sargent: I am sorry, mine says Adult Milk.

Hon. Mr. Randall: No relation to Jimmy Auld.

Mr. Etchen: Was the maintenance of the markets for the milk producers in the area?

Mr. Peacock: They are one of those who postponed the use of their loan.

Mr. Etchen: No.

Mr. Peacock: You gave us their name on the list.

Mr. Etchen: It has been delayed, but this was admissible because of the slowdown. The reason we gave it to them was the fact that this would help the farmers in the area as an outlet for their milk products. This was the main reason. We have got the jobs to 12 jobs which, when financial conditions ease, will be just an extra bonus.

Mr. Sargent: My point is I am not trying to knock any one individual loan, but the overall policy of motivation is jobs—

Mr. Etchen: Only partly. Let me tell you that we want to see new technology as well. We are not just looking for jobs. Jobs are important, they are a high priority, but when you are looking at a case of why give them an EIO loan, we look for other things beside jobs.

Here was a good example. We are looking particularly for new technology, because unless this province does maintain a good rate of introduction of new technology, we are going to fall far behind. A lot of industries that are in production today are going to be as outdated as the bow and arrow in another 10 to 15 years. We have to encourage new industries, new types of industries, new technology. Therefore, in some of these more sophisticated industries, remember this, if we do not get them in, we are going to be like one of the banana republics.

We may give them an EIO loan merely to bring in new technology which is going to keep up the rate of development in the province. There are other reasons we make loans—to increase exports, reduce imports, these

are all factors which come in. I agree with Mr. Sargent that jobs are highly important. I just want to point out that when you are looking at the jobs you must look at all the other benefits that go with it; increase in exports; reduction of imports; encouragement of technology; maintenance in some of the agricultural areas of milk outlets for farmers. There are quite a number of—

Mr. Sargent: To take a Kraft, or Campbell Soup Company, and give them a \$0.5 million, when automation has come into the act, they employ 50 people. You side with technology, new technology. If they are going to go to automation you are still going to loan them money to put up a big plant to employ 50 people? You give them \$0.5 million, which is ridiculous.

Mr. Etchen: They went into Hallowell township and this was an area where employment was badly needed, as in a lot of these cases. When I was in Charlottentown township—

Mr. Sargent: That's Norris Whitney, I would say.

Mr. N. Whitney (Prince Edward-Lennox): I am glad to have it.

Mr. Etchen: Let me say this. There is a cost of having unemployment. I do not have to tell Mr. Sargent; he is as well versed in this as I am, but I would like to give you this example. When I went down to Charlottentown township last year I was talking to the local officials there. They told me the welfare roll had been just about eliminated. I am talking about the people who were able to work. There are always people on welfare who cannot work for various reasons.

I do not want to go into this, I am not an expert, but this was a particularly good case, where there was a high level of unemployment in the area, the chances of attracting an industry to these areas is not very great, let us be quite honest about this. Therefore, Campbell Soup, by going into there, will provide a fair amount of economic stability.

They are not a company that is going to fold up overnight, and the secondary and tertiary effects of having a pretty stable unit like theirs, particularly in an economy like Hallowell township, is 100 times greater than if you put them in at Bay and Yonge, as the minister likes.

Mr. Sargent: I will not hold this too long, Mr. Chairman; one more. I am glad to see—

Mr. Etchen: I would like to just make one other comment. With due respect to Mr. Sargent, for whom I have a lot of respect personally, I would just like to tell him on what basis these loans are made.

When these applications come in we have no idea as to who they are, what they are, what political stripe they are. These are—

Mr. Sargent: Hold on—

Mr. Etchen: I just want to make this point clear.

Mr. Sargent: These loans are approved by the minister, are they not?

Mr. Etchen: No they are not. I want to make this point abundantly clear.

When they come in they come in to officials of this corporation, and these officials look at it strictly on the basis of merit. We do not know who they are; we do not know what—let me put it this way, all that we look at is: Is this a good case? Does it make sense?

I want to make this—

Mr. Sargent: We will buy that, okay.

Mr. Etchen: I just want to make this abundantly clear, because the point has been raised before, and I think it casts aspersions on the officials and—

Mr. Sargent: We had an experience with Fairfield, and you know what happened there, so do not tell me it was not political ends. You may have changed your practice, but it was political ends.

Mr. Etchen: There were no politics in it at that time, either.

Mr. Sargent: Well, they closed the plant the day after the election, you know that. It was through your office the order came.

Mr. Lewis: Just coincidence.

Mr. Etchen: No, wait a minute—

Mr. Sargent: They closed the plant the day after the election.

Mr. Etchen: We wrote you all the facts. I want to say that in October of that year the plant was still operating. I do not want to go into all that. All the facts were put out in the minister's statement.

What I did want to say was that the minister does not see the loans. Let me tell you

this, the minister does not see the applicants at all.

Mr. Sargent: Mr. Etchen, I told this hearing when it started I would stake my seat in this House on what I said is right, and I will stand by that, and if you will have a hearing, or a commission on that, I would like to bring that into the public eye—what happened there—if you want to.

Mr. Etchen: No, I just want to tell you what the procedure is and leave it at that. Anything of politics is outside my realm. I just want to tell you what the procedure is.

When an applicant comes in he goes to a team of consultants. I do not see him, I do not know who comes in. The minister does not know who he is. At that stage, if he is going to be turned down, he is turned down. I do not know—

Mr. Lewis: Except for Honeywell Controls.

Mr. Etchen: I am sorry?

Mr. Lewis: Except for Honeywell Controls.

Mr. Etchen: At that stage, neither I nor the minister or anybody else knows, and that is where it is turned down.

If the case is going to be proceeded with, then it goes through the normal channels—it goes to our internal officials, it goes to the board. The board says yes or no, and from there on in the minister takes the board recommendation to the cabinet.

Mr. Sargent: Thank you very much.

I am glad to see the minister is getting to my—I see a loan here of \$23,000 to Gross Welding for two people, they employ two people. Now that is significant of something, that the small independent operator is getting some recognition from the department. But, somewhere along the line, in the area of business, there should be some loan fund that the Canadian businessman who employs 50 or 100 people in a wholesale house, or a chain store—a small operator—he should have access to money. I will not flog it again, but there should be some way. These men got their money because they are manufacturers, right? But that does not matter. This is part of a service industry. There are other cases—here is a man who got a loan of \$50,000 for seven people. That is the great need, Mr. Minister, for the small businessman to have some access to money that the chartered banks will not give him now. I would like to say finally you have \$10 million—in a few months I think that is—\$10 million of for-

giveable loans to give away for fewer than 4,000 jobs.

Hon. Mr. Randall: Can I make one comment here before we finish up? Do you know what it costs to provide a job in Canada today?

Mr. Sargent: I have no idea.

Hon. Mr. Randall: They figure it runs anywhere from \$25,000 to \$250,000 per job, depending on the skill and the technology employed in the plant. Let me give you an example. The Ford plant at Talbotville started off with 1,500 employees. My understanding was it was a \$16 million investment in plant and equipment. That is \$40,000 per job that Ford invested to provide jobs for 1,500 Canadians. Henry Ford himself told me that those people had never worked in an automobile plant before, the majority of them, but having had several weeks of training, it is the most efficient plant in the Ford empire.

Interjections by hon. members.

Mr. Lewis: You are on first-name terms with Henry Ford?

Mr. Chairman: Order, order!

Hon. Mr. Randall: The last figure I had, said they had 2,000 people employed.

An hon. member: It is a good plant, too.

Hon. Mr. Randall: I am saying it is, but I just want—

Mr. Lewis: They will all vote NDP.

Hon. Mr. Randall: That is right. You see, I put it in there so they could vote for you.

Interjections by hon. members.

Mr. Chairman: Order, order! Mrs. Renwick.

Hon. Mr. Randall: As long as you got the point, that is the main thing.

Mrs. M. Renwick (Scarborough Centre): I would like to ask about a loan that was made to Vio Breeding Laboratories in Ottawa, as to what sort of market there is for their product and if they are in business now? I checked in December and they were not yet operative. If they are not operative, what is the delay?

Hon. Mr. Randall: I think, Mr. Etchen, you have the facts on the Vio quotation, have you not?

Mr. Etchen: Yes, one of the main reasons we made this loan is that there had been a substantial reduction of imports from the

United States. It was also in a small town in a small municipality in eastern Ontario. The company was not able to do this unless it had had an EIO loan.

Mrs. M. Renwick: A shortage, Mr. Chairman? A shortage of imports of what?

Hon. Mr. Randall: I will tell you what they do. They breed animals for research.

Mrs. M. Renwick: Right!

Hon. Mr. Randall: Most of those animals have been brought in from the United States and they decided to go into the business. These fellows, I believe, come out of the National Research Council in Ottawa or got their idea from the National Research Council. They wanted to go into the business of breeding their own animals for research. In fact, they were back to see us the other day about extending the plan of getting into another area of breeding animals for research purposes.

Mrs. M. Renwick: This is a Canadian plant then? Not a subsidiary of a U.S. one?

Hon. Mr. Randall: I am not too sure if it is an American company. Is it?

Mr. Etchen: It is a Canadian company. It is bringing in a new technology. As a matter of fact, they are doing very well there, considering the expansion.

Mrs. M. Renwick: Are they from Europe rather than the United States, Mr. Minister?

Hon. Mr. Randall: The chap who came in to see me, I would say, is Canadian, from Montreal. I think he is—he is a chemical specialist. He has a Ph.D. of some sort or other—

Mrs. M. Renwick: I am sorry, I did not hear Mr. Etchen.

Mr. Etchen: As far as I can understand it, he has a Ph.D. in animal husbandry.

Mrs. M. Renwick: They are breeding—correct me if I am wrong—specially-bred disease-free mice. What would the market be for those?

Hon. Mr. Randall: They tell me it is unlimited because they have to set up the facilities to start the breeding there, and over many months they have to make sure that they are not contaminated. Otherwise, if they take them to a laboratory and they give them a toxin, if there is anything else in the system

the toxins do not work. They may take many months of study and then find that they wasted their time and their energy in even trying out the new toxin.

Mrs. M. Renwick: We realize, Mr. Chairman, it is unlimited. Can the minister answer my question as to who the markets are?

Hon. Mr. Randall: I think the markets would be areas like the insulin plant here—

Mrs. M. Renwick: Not industrial chemical markets?

Hon. Mr. Randall: No, I think they are primarily in the medical labs and areas like that. Wherever they are doing research on animals or mice of any kind I would think. They supply the livestock. This is my understanding.

Mrs. M. Renwick: But you understand it is primarily for medical research.

Hon. Mr. Randall: I understand that that is their—

Mrs. M. Renwick: Not necessarily industrial?

Hon. Mr. Randall: I understand that that is their major supply house, yes.

Mrs. M. Renwick: Are these then in operation? When did they go into operation if they were not by the turn of the year?

Mr. Etchen: They are in operation.

Mrs. M. Renwick: They were breeding but they were not selling in December.

Mr. Etchen: They are in operation.

Mrs. M. Renwick: And considering expansion, you say?

Mr. Etchen: Yes, they are now considering expansion.

Mrs. M. Renwick: Mr. Minister, considering expanding?

Hon. Mr. Randall: Yes, I think that he came in to see me and told me they were going into another type of animal and needed other facilities. I asked him to get his package together and come back and see us. He has not come back to me. Whether he has been in to see ODC yet, I am not sure.

Mrs. M. Renwick: Thank you. I would like to ask about the product, the process and the market for the chemical companies which have received loans. Allied Chemical of the Allied Chemical US with \$100,000, loan; Union Carbide of Union Carbide Corporation US with nearly \$0.25 million; Hooker Chemicals Nanaimo Limited, \$0.25 million; Scott Laboratories; Howard and Sons; and the Borden Chemical Company.

Hon. Mr. Randall: I do not know if we have all those details handy.

Mrs. M. Renwick: The product, the process and the market.

Hon. Mr. Randall: They very seldom set a chemical plant up for one product. I think that the Allied Chemical people specialize in industrial chemical acids.

Mrs. M. Renwick: Sulphuric acid, but what about this loan? Is that for that type of plant or for a different type?

Hon. Mr. Randall: The one that went in Sudbury, I think, is to take the fumes out of one of the Falconbridge plants and turn them into sulphide. Now the one in Belleville, I think, is in different chemicals.

Mr. Etchen: Industrial chemicals and plastics.

Hon. Mr. Randall: They have a series of chemicals that they would manufacture in a plant of that size that fit into the plant. I do not think we would have a list of what they—

Mr. Etchen: As a matter of fact, on the one in Belleville, there is no other manufacturer in Canada of capran, which is a film used in food packaging, and this is a kind of a new technology we are very interested in.

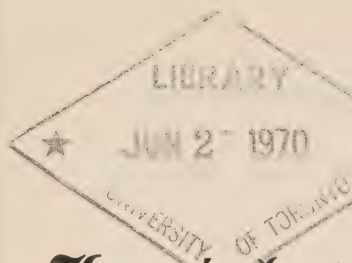
Mrs. M. Renwick: What do you call it?

Mr. Etchen: Capran. It is capran film and it is used in food packaging.

Mr. Chairman: Can I call your attention to the time and suggest that you continue your questions at 8.00 o'clock? We will adjourn for the dinner hour.

Hon. Mr. Randall: The best idea I have heard this afternoon.

It being 6.00 o'clock, p.m., the committee took recess.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, May 21, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

THURSDAY, MAY 21, 1970

The committee resumed at 8 o'clock, p.m.;
Mr. E. A. Winkler in the Chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (continued)

Mr. Chairman: We will have to get started here. Are we in vote 2207, may I ask, or 2208? Vote 2207. Proceed.

Hon. S. Randall (Minister of Trade and Development): We combined the two of them, 2207 and 2208.

On votes 2207 and 2208:

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, I was asking what the chemical firms were doing, where they were marketing. I think I might as well ask the question as it comes to my mind very clearly and see if there is a yes or a no. Are there any government moneys being loaned to companies which are manufacturing any sort of component for war use for the United States in any of the EIO loans, either to Canadian or U.S. companies?

Hon. Mr. Randall: I would not know. Not that we know of.

Mr. A. Etchen (Ontario Development Corporation): Not that we know of. We obviously do not know every little operation that they do in every one of the plants that they have, or that they are associated with, but to the best of our knowledge—

Mrs. M. Renwick: Mr. Chairman, would the minister with his—

Hon. Mr. Randall: I said no, I do not know of any.

Mrs. M. Renwick: With his broadening interest in tying in some form of pollution control and some form of labour standards, would the minister seriously consider, any time a company is doing this type of work, that the University of Toronto has declined

to do this type of work; many firms in Toronto have signed papers and pledges, pledges on the recent invasion of Cambodia? I think it is very important that this consideration be taken quite seriously by the minister before using Canadian public funds.

Hon. Mr. Randall: Let me just suggest to you the reason there is an invasion in Cambodia—I do not want to get into a discussion about the war—is that the North Vietnamese should not have been there in the first place. Both of them invaded Cambodia, so let us get that straight.

Mrs. M. Renwick: Let us not get started into that subject—

Hon. Mr. Randall: That is right.

Mrs. M. Renwick: Would the minister consider it wrong, then, for Canadian funds to go into this type of operation, since it could very easily be moving into Canada because it is so unpopular now in the United States?

Hon. Mr. Randall: It is unpopular for a number of reasons but I think the federal government—Mr. Trudeau answered that himself the other day and said there was a certain amount of defence work going on here in specialized companies that would continue. I think we would be guided by what the federal authorities would prefer us to do on that. As we say here tonight, we do not know of any companies that are involved directly in defence work.

Mrs. M. Renwick: Mr. Chairman, could I have a definite commitment from the minister that, yes, he would be concerned and would think it not proper for public funds in Ontario to go towards private companies for private gain of this kind? Because we have now in Ontario the opportunity for private companies to come in here and do this type of chemical preparation. This can be done now, unfortunately, as soon as Bill 194 is proclaimed. It can be done in Ontario without going through The Department of National Defence, which to me is a very serious

situation. Government to government, Mr. Chairman, we stand some chance of two governments being totally responsible for what they are doing. Private enterprise, private entrepreneurs coming into Ontario and dealing privately with the government, is a serious consideration in my view.

I thought I would try to get the minister to commit himself that under his care there would be no Canadian moneys go towards firms which would be preparing this type of component for the U.S.

Hon. Mr. Randall: We have no specific cases where we are allotting money. If you ask me would we do it in the future, I think it depends on the case itself.

Mrs. M. Renwick: Do you have any knowledge now what other kind of animal Vio Breeding Laboratories are going to be producing besides the thousands and thousands of mice?

Hon. Mr. Randall: I think what they are producing—it was mice, to start with?

Mrs. M. Renwick: Mice to start with, yes.

Mr. Etchen: And rabbits.

Hon. Mr. Randall: Rabbits, and they were getting into—I cannot tell you what their next production was. There was another animal, whether it was dogs or guinea pigs or something along that line, I have not the details because they never came back after they talked to us. They said they were going to enlarge their plant to get into some other breeding.

Mrs. M. Renwick: Does the minister have loans to Canadian Cyanimid?

Hon. Mr. Randall: Not that I know of.

Mr. B. Newman (Windsor-Walkerville): Mr. Chairman, I wanted to ask the minister if Sprague Foods Limited of Ameliasburg made application for a loan through this department?

Hon. Mr. Randall: Sprague, is it?

Mr. B. Newman: Sprague—S-p-r-a-g-u-e. And if they did, why were they turned down?

Mr. Etchen: Well I personally do not know of that application, unless someone on the staff here does.

Hon. Mr. Randall: I do not recall seeing the application or knowing of it.

Mr. Etchen: As far as we know, we do not have an application. However, if when we go back we find we do, we will undertake to give you a report on it.

Mr. B. Newman: This would be back in April of one year ago, April of 1969. In fact, I have a letter addressed to the minister—actually from the clerk of the township of Ameliasburg—recommending a loan be made to Sprague Foods so they could help the whole agricultural community on the island by expanding their facilities, primarily their warehouse facilities, to be able to, first, store their products to be more competitive than they were; and then also to expand their facilities so that they could be at a more competitive advantage.

Mr. Etchen: I do not remember it and none of the staff here do, but we will look into it and if we have received an application we will send you a memorandum of it.

Mr. B. Newman: Good, thank you.

Mr. Chairman: Yes, Mr. Edighoffer.

Mr. H. Edighoffer (Perth): Mr. Chairman, I wanted to ask one or two questions here. What is the average length of time for processing an application under the EIO programme?

Mr. Etchen: Well, that depends absolutely and entirely on the company, absolutely and entirely. We require certain information and our experience has been that where companies say there has been delay, the delay has been because we have not received the information within a reasonable period of time—we always make it specific what we want—our processing time, I would say, is not more than about four weeks. This is under optimum conditions, when we can go right through the whole thing.

Mr. Edighoffer: But generally you say it would take about four weeks?

Mr. Etchen: No, no; let me make this abundantly clear. If the company provides us with all the information we require promptly, the time would be about four weeks. But we have had companies—I personally have investigated complaints where a company has said, "You bureaucrats; you are holding the thing up. We never get any answers from you." And when I have investigated, in 99.9 per cent of the cases the trouble is the company itself has not supplied us with the information. Sometimes it is not entirely their fault, especially with the

smaller companies; perhaps their auditors or accountants are a little lax in getting the accounts up to date, or it is a legal matter—with due respect to the legal profession—and they are not always as prompt as we would like them to be.

So it is not all on one side, and I would say if there are delays, in 99.9 per cent of the cases it is the company itself not supplying the information. There is no red tape with us; we have very little formal applications and all this nonsense. We take a businesslike look at the company. We want information; we cannot make an intelligent decision unless we have it. This is the basic problem.

Mr. Edighoffer: And did I understand you earlier in the afternoon to say that you review these approvals after a six-month period or a 12-month period in case the spade is not in the ground by then?

Mr. Etchen: Yes, we take a look at it. In most cases, as I mentioned earlier in the afternoon, there is a lead time for putting up the building and a lead time for ordering machinery. But even so, we like the company to come in and give us progress to start negotiating, and if they have not done that in six months, then we want to know why.

Mr. Edighoffer: Well, could you give me any information on how the arrangements stand with the Linton and Hearst Company?

Mr. Etchen: I am sorry?

Mr. Edighoffer: Could you give me any information on how the arrangements stand with the Linton and Hearst Company from England?

Mr. Etchen: As far as I know, the big stumbling block is clearance through the Bank of England. The Linton and Hearst Company, as far as I know, was ready to move a long time ago. They took an option on land at Goderich; they were ready to proceed. But, because it is an overseas company, of course, they are subject to the Bank of England, which has taken some time coming to a decision. I think this is what my last advice was, but I am relying on memory.

Mr. Edighoffer: It is very interesting to note how fast this went through ODC just before June 30 of last year.

I have just one more question.

Mr. Etchen: Well just let me answer that. That application was in—and I made this

answer this afternoon—prior to the cutoff date. This applied to all of the companies that got the \$250,000 after we put it down.

Mr. Edighoffer: On one other subject, I would like to know what co-ordination is taking place between ODC and The Department of Tourism and Information, on this \$1 million that is going to be available for the tourist industry. The reason I ask this is that two weeks or so ago, I believe, the deputy minister of tourism was up in my area and was suggesting to the people that they sort of forget about industrial expansion, forget about their industrial commissioners and promote tourism. Would you look favourably upon the area of Perth and Huron counties for loans under this programme?

Hon. Mr. Randall: There is no restriction, if I can answer this for a second. As far as I know, there is no restriction geographically on the tourist loan. The tourist money that we have—and the recommendations would come from Mr. Auld's department to us; we administer the money for him and look after the details of checking the financial details and looking after the account for Mr. Auld's department. The decisions, with regard to assisting industry, come from there, and we will, as I say, administer the money. I think any area in Ontario is eligible for any part of this \$1 million grant that we talk about.

Mr. Etchen: Provided it is a substantial tourist area and, as the minister said, The Department of Tourism and Information will set the guidelines as to what is a substantial tourist area. We do not. They set these guidelines.

Mr. Chairman: Thank you. If I may have the permission of the committee, I would like to ask a couple of questions of the minister. My concern through his offices in this particular sum of money would be this: I would like to ask the minister if he or his departmental officials have considered granting loans, possibly without interest, for the establishment of nursing homes in the private enterprise sector. This is a needed facility, and in fact would be viewed in some rural communities as an industry because of the employment that it would provide in local communities besides, of course, rendering a very useful service.

I am thinking particularly in the area of care treatment cases, cases that currently or in the past have taken chronic beds in active treatment hospitals and where they still require care, which would eliminate them from

being eligible to become candidates for a senior citizens' home or an old age home. I think that this would be a very valuable and useful thing in our society at the moment, even though The Department of Social and Family Services does, in proprietary instances, grant 50 per cent of the cost of the establishment of these things, and I wonder if you and your officials have given this any thought?

Hon. Mr. Randall: Yes. Let me say that we looked at it when Dr. Dymond was the Minister of Health, and we went into considerable research with him on the basis of using some of these homes, almost as an industry as you suggested, in areas where there are no factories around and no other institutions.

The basis for grants, of course, as far as the government is concerned, is that it must be a non-profit organization. And, on the basis of it being a non-profit organization, they would get grants from the provincial government—I do not know whether from the federal government or not. But, if it is a profit-making organization—and there are a number of nursing home organizations moving into Canada, building very fine nursing homes, almost on a motel scale, and they have been doing their own financing. But we have had discussions with the former Minister of Health; we have had them with Mr. Wells since he was appointed with regard to lending these people money on a mortgage basis through the ODC. We would have no objections, in our department, of giving consideration—I think Mr. Etchen can bear me out on this—to them for mortgage loans under the ODC, but it is a matter that has been under discussion. No decisions have been made.

Mr. Etchen: It is rather difficult because, operating under the Act—and I am not a legal man—I understand that there would be some difficulties in classifying a nursing home as an industrial undertaking.

Mr. Chairman: Mr. Pitman is next.

Mr. W. G. Pitman (Peterborough): I would like to ask one or two questions of the minister. One of the things that interests me is that this is a very sophisticated kind of programme; I am talking about the EIO programme largely. It does not seem to have the degree of variety in choice which, for example, I found when I recently leafed through this publication put out by the Institute of Chartered Accountants of Ontario on federal and provincial industrial assistance programmes.

If you look at Quebec, they seem to have a greater variety of programmes that suit different kinds of areas. You have The Quebec Regional Industrial Development Assistance Act, which perhaps is the closest to the EIO programme, but it also recognizes that there might well be a programme for financial assistance to fast-growth industries. That is, you are taking a particular problem and creating a programme for it—a programme that would stimulate the development of certain industries; deciding on certain industries which give a particular relevance either to an area or to a province and making a programme to stimulate that kind of industry.

The Department of Labour assistance: Here they are providing assistance to companies that will make an investment in construction or extension of works in factories but which will hire social assistance recipients—that is, people who are on welfare—and it seems to me that there might be some very real worth in making your programme a good deal more varied than a simple veneer type of programme which attempts to serve every kind of industry and every slow-growth area. Has your department ever considered making it a more varied type of assistance programme?

Hon. Mr. Randall: Let me say I think it has been highly successful, when you compare the industry coming in here to the industry that has gone into Quebec, regardless of the different types of programmes. We have had one of the most successful programmes. One question that you are bringing up is about fast-growth industries—

Mr. Pitman: You do not think you need that in Ontario?

Hon. Mr. Randall: No, let me just say this on the fast-growth industries: we would like to encourage fast-growth industries. I can think of the container business. I know a fellow who is manufacturing containers today in the Toronto area. It costs him something like \$1,600 to make a container and, on a rental basis, through CN-CP, he gets his money back in 10 years. In his rent, he gets his capital cost back in seven; so in the last three years he makes his profit. And his difficulty is that he can rent all the containers he can produce, but he cannot get enough money to finance it. He has been to see us and, of course, we had a look at it. He has been to see his bankers; you would think he would be able to go to Bay Street or his bankers and borrow all the money in the world, but the return, as far as they are concerned, is

over too long a period. If they got their money back in three years, they would consider it. We have had a look at it, but we have not been able to come up yet with any kind of a decision as to how much should be available to those kind of industries. I not only think of that one, but I think of my friends the Markham Machinery and Foundry Company.

When I was in the washing machine business they were renting out automatic pin-setting equipment, bowling alleys, and they would not sell them, they rented them. One time when I talked to them, they had \$86 million in bank loans and they just could not borrow any more money so they had to stop renting the bowling alleys and start selling them in order to get the cash; and this is the problem today. A company can have too much business; it gets itself into difficulties. These things do happen, and we have no programme at the moment to finance those industries; but it is worth looking at.

Mr. Pitman: I am wondering if there might be a degree of sophistication.

I would like to ask another question on a particular item here, Mr. Chairman. I think we are covering votes 2207 and 2208 together and this concerns loans for pollution abatement equipment. Have you had very many applications for those loans?

Hon. Mr. Randall: Mr. Etchen can tell you. How many have we had to date?

Mr. Etchen: We have had 44 applications.

Mr. Pitman: What would be the normal amount of the loan you would make for that particular programme?

Mr. Etchen: I think the maximum loan has been set at \$250,000.

Mr. Pitman: A quarter of a million dollars? Obviously you are not going to be able to accommodate 44 applications then, are you? Or is my mathematics as pathetic as it used to be?

Mr. Etchen: An application is quite a bit different, you know, from an approval.

Mr. Pitman: Yes, but the programme was only announced about a month ago.

Mr. Etchen: Just let me put it in perspective. We are aiming this at the small company—small existing companies, those that are going to be affected by the anti-pollution laws, or any changes in legislation or enforcement of existing legislation, where it would

cause harm to a small business. This is where we are going to take a look at it, after the requisite anti-pollution authorities have made a recommendation.

Mr. Pitman: Does that mean the Ontario Water Resources Commission?

Mr. Etchen: That is right. In other words they will say to company X: you have to put in the equipment. Now if it is a small company—which it obviously has to be with the limit on the loan—and it can prove to ODC that it will suffer hardship by putting the equipment in, then we will make a loan. This has to be an existing company.

Mr. Pitman: I see. You are assuming that the new companies will consider this part of the input?

Mr. Etchen: Well yes. New companies will have to count on the fact that this is provincial legislation and when we are setting up the financial provisions they will have to make provision for this.

Hon. Mr. Randall: I think in the main, the new companies coming into this or any other market today recognize that if they build a plant they have to have air and water pollution abatement equipment, and as a rule that is included in their financing, like the mill I talked about this afternoon.

I think the \$5 million that we have to dispense was set up to take care of companies already in business. Suddenly a man walks in and says if you do not stop the air pollution we are going to close you down today. I had a case of a foundry up in Orillia the other day.

Mr. Pitman: Does the Ontario Water Resources Commission do that?

Hon. Mr. Randall: No, but I am just suggesting if a man walks in today, in Peterborough, and he says "I am going to close the foundry down today if you do not put in the equipment," and the man says, "I do not have the money," this is what this programme is for; we loan them up to \$250,000 to put in the equipment.

Mr. Pitman: Is it automatic? Let us assume the Ontario Water Resources Commission do say that—either do this or we will close you down. Is it automatic that you will give them the \$250,000?

Hon. Mr. Randall: No, you would have to make an application. In other words the application would come into us, and we

would judge it on the basis of the recommendations that are required for that particular firm or business, whether it be air or water, and then we process it.

Mr. E. Sargent (Grey-Bruce): Is that a "forgiveness" loan?

Hon. Mr. Randall: No, sir; it is a straight loan and it would be loaned to them for this kind of equipment. You asked about the amount of money and certainly if there were 44 applications it would use the \$5 million up very quickly. But keep in mind, as I said before, that the \$5 million is seed money.

Mr. Pitman: Ah, I thought so.

Hon. Mr. Randall: For instance if a man was going to put equipment into a foundry, it may take him three or four months to get the equipment installed, and so the money would not be utilized immediately. But when this \$5 million is used up, I am sure that the Minister of Energy and Resources Management (Mr. Kerr) has in mind that we should keep on with the programme because if we are going to put the heat on these fellows to clean up pollution we have to give them some assistance.

Mr. Pitman: I was going to come to that very point and to suggest that what you are doing is putting in a few seeds and hoping they will grow.

I was listening to a programme last night in which they were discussing the whole problem of environmental control in the United States. A conservative estimate was made on that programme of the cost of turning back the clock and trying to restore the environment in the United States; they think it will be \$108 billion over the next 10 years.

Hon. Mr. Randall: I would not doubt it.

Mr. Pitman: They say air and water pollution control together will cost something like \$50 billion. Now assuming that Ontario would probably be at least equal to four or five states, one might very well assume that we are talking about five or six or seven billion dollars in Ontario to really do the job in this area. So what you have here is just a few pennies in terms of the kind of action that the government is going to have to take if it is really going to do something about restoring the water quality and the air quality in the urban centres of Ontario.

Hon. Mr. Randall: I think you will recognize, as we do, there has been a great deal

of emotionalism about air and water pollution and not too many—

Mr. Pitman: A good deal of it on the part of the companies—

Hon. Mr. Randall: Let me finish. Not too many people are authorities on what constitutes pollution. First of all we talk about phosphates being a major polluter and now there is another group of scientists saying it is not phosphates, it is the carbon in there. Well when these people get together and decide what it really is, there is going to have to be a lot more money spent than is being spent at the present time.

I was in a plant today where a man spent \$175,000 to put a collector bag and some equipment on a woodworking plant, and the inspector said "I am not satisfied, you have got to spend another \$20,000." The man said "Well, there are two pieces of equipment I need to buy, but I do not know what to buy." The inspector said: "You buy one or the other." The man said "Might I not buy the one that does not work?" The inspector replied "Well, that is too bad, then you will have to buy the other piece."

So I asked the minister to send up somebody who knew something about the equipment so that the man, if he was going to spend another \$20,000, got what he hoped would be the equipment to solve the problem. That is what he is doing, and these are the kind of things that I think we are going to be running into whether the inspector himself is an authority on what is polluting air or water, or not.

I do not think any of us want to see a manufacturer spend millions of dollars to do something and find after he has spent it that he could have put the money into providing more jobs and building more products.

Mr. Pitman: I think this is an extremely important item in terms of the total government activity, because as you have well realized, I think everyone is concerned about environmental quality. Everyone is concerned that we do it as quickly as possible; that at least we do away with what is obviously polluting; we may have differences of opinion as to whether this chemical or that chemical is good or bad, and whether one thing impairs water or impairs air more than another, but I think we have to do what is obvious. I am suggesting that what the minister should realize is obvious is that \$5 million is not even a drop in the bucket in this kind of a battle. Can the minister give me any idea what he would see as the kind of—let us put

it this way, has the minister's department, or does he know if the OWRC or if The Department of Energy and Resources Management, have done any assessment of that nature of how much it is going to cost over the next 10 years?

Hon. Mr. Randall: No, we have not done any at the present time. It is a little premature. I think this question can probably be answered by the minister in his estimates. We are administering the money for him and I am telling you what I know about the programme. As you know, there is a group of people going out this summer to check on pollution problems in many areas of Ontario. I suppose when those research reports are back the province will have a little more information as to what can be done.

I recall three years ago, through the economic council, we did a research on septic tanks all through the cottage area. I will tell you there were not many cottages up there that should not replace their septic tanks.

Mr. Pitman: That is a very good point. Has there been any suggestion in your department that loans might be made to cottagers for pollution abatement?

Hon. Mr. Randall: At the moment, I do not know whether the minister has any idea of doing that or not. I presume he would know better after the summer is over.

Mr. Sargent: Is there federal money available for this thing?

Hon. Mr. Randall: I am not too sure. I do not think any has been offered yet. I have not heard of any.

Mr. Chairman: Mr. Hodgson.

Mr. R. G. Hodgson (Victoria-Haliburton): I would like to ask the minister if he would consider the Chairman's suggestion on the nursing homes, because I know in several parts of this province we have hospitals which are very small in nature but perhaps could be very worthwhile nursing home projects. If there was money available, I imagine there would be customers available for such projects if his department could assist them. I think it is worth taking a look at. When you start talking about a hospital facility it is maybe worth \$75,000, but to sell it for some other purpose it might only be worth \$20,000 or \$30,000. Yet there was public investment in that facility. To go to a nursing home facility it might be worth the original write-off on the books, which would bring it up

to about \$75,000. Some loan or some assistance here might save some of the public finances that are already in some of these hospitals that now are outdated because of heavy X-ray equipment and the out-patient facilities that are necessary to serve a community. Yet they could be quite adequate perhaps for nursing home services that are necessary in a community. I think it is worthwhile looking into.

The other feature that you might consider is, rather than loans interest-free, writing off a part of the interest costs on such loans. It might be of assistance. I know one or two communities that it would very greatly help at this time.

Hon. Mr. Randall: We have been looking at it. No decision has been made.

Mr. R. G. Hodgson: I think in this area it might be of great assistance in regard to some of these small hospitals that are being abandoned.

Hon. Mr. Randall: Yes, all right. Thank you.

Mr. Chairman: Thank you, Mr. Hodgson. Mr. Stokes.

Mr. J. E. Stokes (Thunder Bay): I would like to elicit from the minister, if I might, some indication as to how he sees the northern Ontario development corporation working with the announcement made recently by the Premier (Mr. Robarts) and the Minister of Mines (Mr. A. F. Lawrence) who is going to be responsible for northern affairs. Having regard for the new money, or the renewed consultative services that are going to be focused on the north and its problems and the regional disparities that are quite apparent up there, I am wondering if he plans to take any direct action as a result of the Ontario Economic Council survey with regard to the forest products industries. They make several recommendations as to what is needed in order to, not only make the best use of our forest products that we have in abundance in that part of the province, but also to assure that regeneration is done on a scale that will provide for a maximum amount of allowable cut and to assure that the allowable cut that is going unused at the present time will be made available to those entrepreneurs who are willing to go in and exploit it in an orderly fashion.

I am wondering if the minister sees any way in which EIO forgivable loans, or ODC conventional loans, might be made available

to those people who are interested in going in, if a wood-sharing operation was started in a realistic way. I am sure you are aware that about two-thirds of the allowable cut of the forest products material that is available in the province of Ontario is going unused at a time when the world demand for paper products is increasing annually to the extent where they think it will be doubled by 1980 and quadrupled by the year 2000.

I am wondering, if the minister feels that the northern Ontario development corporation, which is to be set up with additional funds, or guaranteed funds, if he would not implement one of the recommendations in the Ontario Economic Council's report for a much more realistic sharing of the wood to those users—you know, the pulp and paper industry, the logging industry and the veneer or the lumbering industry. It is quite obvious, from reading that report, that such is not the case at the present time. There is not a realistic sharing among all of the users who would like it.

I am wondering if the minister would consider, or the Ontario development corporation would consider, setting up a corporation whereby they would harvest the wood and resell it, or allocate it, on the basis of need, to the various industries in the area? I think that other surveys that have been made in years gone by tended to recommend such an operation, whereby maximum use of the available annual allowable cut would be utilized, providing jobs and more revenue to the province.

I am wondering if the northern Ontario development corporation would consider that kind of an operation where they would—not cut the wood, but act as a sort of a funnelling device whereby the various species of wood and various sizes of wood would be made available to those users on the basis of an annual allowable cut on a sustained yield basis.

Have you, or the Ontario Development Corporation, considered such a move?

Hon. Mr. Randall: Let me say that, prior to the report from the economic council, we recognized about five billion cubic feet of lumber is taken out of Ontario or cut each year and it could be another five billion cubic feet if we could get at it.

On the basis of that and the requirement for wood, we have had a long look at Mr. Marchand's Administrative Incentive Act, which is an infrastructure. An infrastructure

means to build roads into areas. Perhaps some of that money could be used in northern Ontario to get at some of the inventory that you know is up there, the same as I do.

Insofar as the northern Ontario development corporation is concerned, all I can say to you is that it is in its infancy. It has started and, as I understand it, with my colleagues in the ministry of Mines and of Lands and Forests, any proposition that anybody puts forward up there will be given careful consideration by the new board that is going to be composed of men like yourself in the north country. If their recommendations come down we will accept their recommendations here and give them all the help we can. They will make the decisions and I think some of the things that you mentioned here—perhaps I would not want to be quoted as saying, "It is agreeable to us"—all I can say is that any proposition from northern Ontario is worth looking at.

I think somebody suggested here yesterday that perhaps we should be cutting up the wood up there and sending pieces of furniture down here to be put together like a General Motors car. That is not a bad idea. We looked at that a long time ago and I do not think it should be discarded.

Mr. H. Peacock (Windsor West): You will be discarding the furniture every year if you follow the General Motors plan.

Hon. Mr. Randall: We have got to do a better selling job, I guess, than they do in the car business.

I think anything is possible. The one thing we want to make sure of is that if you are going to use that great natural resource up there, you want to do more secondary manufacturing, which is what you are driving at. This, I think, is the answer for northern Ontario.

We can sit down here and talk about getting a gum factory and a bicycle factory and it is fine, but these are hard things to get into an area that far north, as you recognize. But it is not impossible, if you get other industry started.

When I chatted with Mr. Marchand about his programme, he was not for giving any incentive money to pulp companies. He is very restrictive and I suggested to him that our difficulty in financing industries in northern Ontario is because industries are going down to Georgia. If there was not some incentive money available for industries to utilize our natural resources up there, it

would be a hard job getting secondary industries.

We are going at it the hard way trying to get, let us say, a bicycle manufacturer up there, when there are millions of cubic feet of lumber that could be cut up by a furniture factory and shipped down here in semi-finished form. And, as you know, they still have to have a special designated area before any of that federal incentive money is available for such things as a pulp factory.

There is a possibility that some of the things that you mentioned could work out through the northern development corporation. Certainly, as far as we are concerned, we would look with favour on it. I would suggest that, if anybody has got any ideas, when the corporation is set up, they take them in to them.

Mr. Stokes: One final question. Do you anticipate that it will be necessary to give an added incentive to entrepreneurs we are trying to woo into the north? I am talking specifically of the EIO programme which has not met with the kind of success in northern Ontario that everybody hoped it would, because the availability of it was so general that it attracted people elsewhere. As a result, we did not get the kind of expansion and the kind of development that we had hoped for in northern Ontario.

I am wondering, with the inception of the northern Ontario development corporation, is it possible that you will make it more attractive by offering either more money, or more favourable conditions under which you will allow them access to this money? Perhaps through forgivable loans, or something more attractive than we have at the present time, which is available to almost every other part of the province.

I think this is the answer, when one considers that all of the reports that have come out recently say the only way you are going to attract people into the north and stop the exodus of young people out of the north is to provide some incentive. Maybe an incentive in income tax, in much the same way that we are doing to attract teachers and professional people into these areas where we lack so many of the amenities.

Do you see any way in which you can make it much more attractive, rather than through the conventional EIO loan which is available almost to everybody in the province?

Hon. Mr. Randall: It is not available to everybody in the province; you recognize it

is available in eastern Ontario. It has been the most successful incentive programme ever tried in northern Ontario to date, despite the fact that it is not as successful as we would like to see it.

But your major problem in the north, in my estimation, is the availability of markets for secondary manufacturing. In order to try to cure that we are opening an office in northern Ontario and our man in Minneapolis, who worked the mid-west States as our trade counsellor will work in northern Ontario. He will take the manufacturers or the producers up there by the hand, and see if he can open up large domestic markets in the United States for them where I think he can. The possibility is that increased grants up there may have an encouraging effect on industry to go there. But frankly, if you want my version of what I think an incentive programme is, or what incentive is needed for industry in slow-growth provinces as well as slow-growth areas, it is a consideration of freight rates.

Mr. Stokes: I was going to mention that.

Hon. Mr. Randall: When I talked to Mr. Marchand I said, instead of his going out and giving millions of dollars away to the provinces, and I include ourselves in that, perhaps he would be better off if he subsidized freight rates. A man could manufacture Arrow shirts in Truro, Nova Scotia, or Timmins, Ontario, or Moosonee or Fort William or Fort Frances. If he could get the material in and get the shirts back to Toronto, there is no reason they could not manufacture them anywhere. But the difficulty—

Mr. E. W. Martel (Sudbury East): They are subsidizing the raw material coming out of the north.

Hon. Mr. Randall: —the difficulty is when you manufacture a complete product, and I know this is the problem my friends up in Fort William and Port Arthur have. They say they are caught between the freight rates of the west and the freight rates down here, and if there were some equalization of freight they could compete.

We have had a number of discussions with regard to freight rates. Whether anything like that will ever develop I do not know, but I think if there were money available at the federal level, this is where the money could be used to better advantage. That is, let the provinces run their own incentive programmes so we do not have a duplication of

incentives as we have at the present time. I do not say that to be critical of the federal programme.

I just say that if I were having a look at it tomorrow and making a decision, I would think in terms of the freight hauled in and the freight hauled out to encourage more secondary manufacturing in distant areas. If you walked into the T. Eaton Company today, you would find a load of stuff coming in from Taiwan or Australia. I have seen lawnmowers from Australia. I have said, "Why do you buy them down there?" They say, "We get them at a good price." They get them when the snow is on the ground. The guy says, "They are a month late in getting here, so we have to put them in the warehouse." They have to nurse them all winter, and then they put them on as a fire sale next spring.

When I was in the appliance business, I saw this happen not once but 100 times. Eaton's built that big warehouse up on Highway 400—which I think you pass—I think it is 500,000 or 600,000 square feet of space, just to store merchandise that they are bringing in for sale. If you were working for Eaton's and they had a shirt fire sale on July 12, and they bought shirts in Taiwan and the shirts did not arrive by July 12, you may have to hold them until next July 12 before you could sell them.

When that warehouse was stocked very heavily in the latter days after the war with merchandise imported for certain sales, they realized they could perhaps get it closer to home and, of course, we have been doing some work on them, too.

I would imagine that if we look at the freight rates nationally as well as provincially, it may have a better bearing on locating secondary industry than perhaps the incentive programme we have right now. As I think somebody said, or you yourself said, if you have an incentive programme in eastern Ontario, does it detract from northern Ontario? I could say the same thing. If they have an incentive programme in Quebec that is better than ours, does it detract from Ontario to Quebec, or Manitoba?

I do not want to get into a rat race with other provinces as to who has the biggest incentive. But we are surrounded by states and provinces who work incentive programmes. They all have it.

Mr. Stokes: One final question then. Has the Ontario Development Corporation, in their consultative activities, or in conjunction

with the Ontario Economic Council, made any survey of the kind of industries, secondary or primary, that have the best chance of success in areas like northern Ontario? I think the jet steel processing was something that the Ontario Economic Council became involved in a few years ago.

I spoke to Mr. Cranston about that. He indicated that possibly, the Ontario Economic Council, in concert with ODC, should be doing this kind of thing so that you could tell these people who might be attracted to the north what kind of industry would have the greatest possibility for success. Do you see this as a part of your activities?

Hon. Mr. Randall: Yes, we see almost everything in manufacturing. I personally feel that the greatest contribution we could make to northern Ontario right now is to develop our natural resources there as quickly as we can and do as much manufacturing of those resources as we can on the spot. And put in as many service—

Mr. Sargent: And have a lot more air services.

Hon. Mr. Randall: To put in as many service industries as we can. I think service industries which would replace, maybe, secondary industries could operate there very efficiently. We are looking at all service industries that come in to see us, to see if we can locate them in the area. That is what our man in Minneapolis and Chicago is doing now. He is looking at any area where they say they want to come and build a mail order warehouse.

That mail order warehouse in Fort Frances or Dryden or North Bay or Sudbury, with 200 people employed filling orders is just as good as 200 fellows trying to make bicycle chains. Our legislation would cover something like that.

We have nothing in it that would prevent us from giving a grant, an EIO loan, to help them finance it. We recognize that in northern Ontario, service industries may be the easiest thing to get, because the freight factor is not in there. This is one of the things that would help.

Mr. Chairman: Mr. Martel.

Mr. Martel: Thank you, Mr. Chairman. I want to continue on what my colleague and the minister have been talking about. As everyone is aware, the north is an area where the population is diminishing and the age factor of the people is probably increasing

faster than any other part of the province. I think the EIO loan programme must take a new direction, that of being directly involved in development. I am not saying, before you run the red herring in, Mr. Minister, I am not suggesting—

Hon. Mr. Randall: No red herrings tonight.

Mr. Martel: I am not suggesting crown corporations *holus-bolus*. I am thinking about something like Sweden does, where the equity capital is retained by the government, and they move in to certain specialized fields to bring in secondary industry. I am thinking of secondary industry related to the products that are there. I am not thinking about the one you have used so often, bicycle parts and so on. I am thinking of products which could be developed from the nickel field or the copper field. I am thinking of copper tubing, copper wire and so on.

Everyone has to admit that certainly free enterprise has not really got involved in the development of secondary industry in northern Ontario, really to no extent whatsoever. I am suggesting possibly a certain percentage of government capital, a very small percentage, 10, 15 per cent in any one industry. Then you have the tab of the super salesman. Maybe the super salesman could get on his bicycle and talk some of the major companies who have need to expand in the fields of copper tubing and so on, or electrical parts. He should ask them directly to consider that we can entice some sort of industry that is going to have a northern market. I think it is pipe dreaming. The population just is not there. I think we are going to have to develop industry primarily for export and in a specialized field such as Sweden has done.

I think we can probably take a little tougher line. You know, Ghana has just taken over Falconbridge nickel company's holdings there and Chile and Peru have taken over the tin mines. I think companies are willing and want to locate in a province and a country that has stable government. They would be more inclined, when they see these things happening, to locate these industries in a country that has the stability necessary and has the raw material available.

Therefore, I suggest that it can come back to tubing or anything else. We can go into the nickel products. I think that this is the line we must take. Free enterprise is not going to do it alone and incentives certainly have not been all that successful; the possibility of us providing some of the equity capital, as I say a small percentage.

That way we are going to get the economic development and can assist and have a say in the economic development in the areas we want it, rather than hoping we can entice someone just to go there. Because if there is one thing we have to break down in the north, Mr. Minister, it is the one-industry towns which die on us.

And of course on transportation policy, and you know the great talks about it when we outlined our position just recently regarding growth centres, we have to develop towns that rely on a townsite which might push out 50 miles to tap a mineral resource and bring it into the operation located there. If that one particular site closes down you must still have related industry, maybe in another direction, so that your town does not die.

There are so many northerners who have lost their entire equity through towns closing down when industry dies. We no longer can afford, I do not think, to see working men lose their entire life savings by the disappearance of one company. I do not think we can rely on an industry that is just there for the time being, we have to really get down to the growth points. I think this is the only way we can work this in. Otherwise, this development of the north is just a pipe dream.

The last part of course is transportation. You know we haul, I am told that National Steel hauls, a ton of pellets out of the north at \$1.78 a ton. Well that is about 30 times less, I would say, than a ton of other material going north.

I agree with you that we just cannot have a transportation differential in rates like we have, because transportation is not the problem it used to be. At one time you used to come out of the north and to run two divisions on a train you had to take 16 to 18 hours. You can cover the same distance now in six or seven hours, there is very little time lost. I do not think being located some distance away from the source of the market, particularly if we are going to specialize in things that we are going to use primarily for export anyway, is as critical as it was. The transportation distance would not be that decisive in locating.

I just think we have to take a whole new approach, because we just have not had the development by free enterprise in the north to make it viable. I would appreciate the minister's comments.

Hon. Mr. Randall: Well let me go back and say that when I first came with the

government we were running an export programme and I asked somebody, an advertising agency, to design a programme for me. The first thing they did was bring in a Dutch girl with a big hat on and a pair of wooden shoes, holding a cheese. The idea was supposed to be if it was good enough for the Canadians it ought to be good enough for the Dutch, or *vice versa* if it was good enough for the Dutch it was good enough for Canadians.

I pointed out to this chap: How many times have you been in Holland, I said. And he said, I have not been there for a long while. I said, did you ever see anybody walking along the street looking like this? He said, no.

I said this is a national costume; these people do not dress like you and me. That ad is a dead duck!

Now the point was this, that a lot of people have a false impression in Ontario. They figure you have got mines and forests and fishing and tourism, and when the mines wear out the miners move out and go on somewhere else. And as you recall, if you were here, we ran a programme two years ago, this is the north yesterday and today and we showed the modern universities, the modern televising plants, we tried to paint a different picture of the north in order to get people interested in recognizing that nowhere in the north is too far from the urban market. The reason I mentioned the T. Eaton Company and the Taiwan shirts a few minutes ago was to indicate that if you bring them 5,000 miles or 10,000 miles, certainly 500 miles is not too far away.

But when we get into discussion of freight in and out, this is where we probably bog down in some of these secondary industries. So I think your point is well taken. I think when we get the northern development corporation going, I would hope that I would be able to persuade my colleague that the north country has to be painted in a different way to what it has been painted in the past.

The way it is today, you have got a great asset going for you; but if you want to get secondary industry, I think we have to do a bit of a selling job. We have to paint the north country as close to the urban areas of the metropolitan market and not give the impression that everybody up there is a miner or is cutting logs.

You can recall yourself, in the old days, you saw a fellow with an axe or a fishing pole in his hand or going down a mine shaft with a miner's hat on. When I was peddling washing machines through there, these were

the only pictures you saw of the north country and nobody ever figured that they had the things up north that they have at the present time. So we have been trying in our own way. Through the trade and industry branch, we have taken fellows out of the north; we have taken them all over the world on trade missions. As I can recall, our friends up in Kirkland Lake, who are doing a good job up there selling mining equipment, we have had them all over the world; they have done an excellent job. There is a good manufacturing centre in there; that is Heath, and —what is the other company? Oh, well, it does not matter—there is a company there that is manufacturing in the north and we need many more like that, and I agree with you.

I think psychologically, the north has to be sold as a good place to start secondary manufacturing. But invariably we come up against the problem of freight, and that is the thing that concerned me more than anything else. It is a concern I expressed to Mr. Marchand when we were talking about infrastructure incentives and incentives by the federal government duplicating perhaps what the provinces are doing—not intentionally but in figuring this is the only way to go about it. I think perhaps we need a whole new approach on the freight structure if we want to get secondary manufacturing in any part of Canada.

Mr. Martel: May I ask one more question? I mentioned the possibility of specializing as other countries do. Has any research been done on the type of secondary industry in a specialized sense that could be developed in northern Ontario. Again I relate that the only common thing, maybe would be related to the natural resource industry. The type of specialization which we could handle and capture a world market with, much as other countries have captured markets. The Danes have their cheese and so on.

Has any study been done on the type of specialization which we could do to corral a part of the world market and hang onto it permanently, so as to develop this type of export industry in northern Ontario?

Hon. Mr. Randall: I think that we could look at many things. I am not trying to be facetious, everybody is looking for the lost chord, as you know, and the difficult thing for us to do, is to find what we could specialize in with our natural resources. Most of the natural resources in the north lend themselves to many, many industries as you recognize, whether it be lumber or uranium or

steel, or what have you. But we are always on the lookout for something that we can specialize in. Like the Bulova watches made in Switzerland. They are the kind of things we like to get our hands on, but they do not come up every day in the week as you can appreciate.

Mr. Sargent: Mr. Chairman, I want to congratulate you on your personal idea, they tell me, for bringing up the idea of nursing homes and the possibility of moneys being available. I think it is a very wonderful idea and I did not get the minister's reaction. Were you going to look at this and see if this is feasible?

Hon. Mr. Randall: Yes; I said we had a number of discussions on nursing homes—private nursing homes—and how they could be financed. The legislation at the moment is written so that if they are a profit-making organization they cannot get grants, as you will recognize. The nursing homes that have come to us so far, some of the bigger ones, have had no difficulty in getting their own financing. In fact there is a chain of them, I believe, in Canada now.

We have had one or two people in to see us, we have had some discussions. They did not have as much money as they needed themselves. On the other hand, I can think of one that came in to see us who went back, and on another we put his balance sheet together for him and he got his money from private sources.

As I told the hon. member here, as well as the Chairman, we will take a look at it again and see if there is any way we could give consideration to either financing a mortgage or financing the operation in any other way so we could get him started. I agree with the Chairman here, I think that a nursing home that employed 25 or 30 people in an area may be the only activity in which we could find work for people in a service industry, as I mentioned here earlier.

Mr. Sargent: Is there any mention here that it would take a pretty big load off The Department of Health at the same time?

Hon. Mr. Randall: Sure!

Mr. Sargent: I would like to wrap up, here, with this last vote before we come to housing. I want to say to the Minister that I have an increasingly healthy respect for the job he is doing. It is the first time I have had a good close look at this department, that is to sit down and really go

into it. Although a lot of the things I said are still true—

An hon. member: How can you switch like this!

Hon. Mr. Randall: I am starting to get suspicious myself now!

Mr. Sargent: I am willing to look at the other side of the coin.

Interjections by hon. members.

Mr. Sargent: I have the floor.

Mr. Chairman: Mr. Sargent has the floor.

Hon. Mr. Randall: Let us quit while we are both ahead.

Mr. Sargent: If you continue on your present tack, Mr. Minister, if this is not all just *savoir faire* to get off the hook and get on with the vote but the fact that you will look at these areas of concern to all of us, the fact that, really, in these other areas, I think that if John Parmenter were here to see the job you really are doing he would give you maybe three times the budget you asked for.

Interjection by an hon. member.

Mr. Sargent: What you can do is save free enterprise and keep it safe in this province if you get into the act of letting everybody share and be our guest, as you are doing for the American guys. That way, by having a mutual participation between the small fellow and government in creating this credit and making money available to make free enterprise work, then we will keep this province safe.

Mr. Martel: Out of the hands of the socialists!

Mr. Sargent: Out of the hands of the socialists!

Mr. Martel: That is right!

Mr. S. Lewis (Scarborough West): By using public money to subsidize the capitalists!

Interjections by hon. members.

Mr. Chairman: Order, order!

Mr. Sargent: Somewhere along the line I think you could consider using the Province of Ontario Savings Banks across the province as the base in each area for the industrial

incentive, as part of your network to help the economy.

On another matter, in this vote we have \$5 million set aside for pollution and I, along with the member for Peterborough, agree that if you are doing a real serious job in pollution this is just a pittance, because one plant alone can take the whole \$5 million.

Hon. Mr. Randall: No, it is a maximum of \$250,000 per plant.

Mr. Sargent: My thought on this is, if you are going to do a serious job on this, like the current issue of the *Chicago Sun-Times*: "U.S. Steel Indicted for Pollution." The content is here that the fines that the hon. member for Scarborough West was on about this afternoon, about Domtar paying a \$1,000 fine for pollution, that is a licence to pollute. That is all that these \$1,000 fines are—a licence to pollute.

These people are criminals who would pollute the air and the water. They are criminals, they are poisoning our people. This story reports that the plant supervisor at the south works of this United States Steel Corporation is going to go to jail. Yes, jail and a fine goes along with the pollution. So the fact that you take these big firms and you fine them, is as I said, a licence to pollute. But if you put a jail term on these guys who would poison our people, our children, our waters, then you have something that will make these guys sit up and believe you mean business.

So I suggest to you—

Interjection by an hon. member.

Mr. Sargent: —or something along that nature, because anyone who goes out and shoots somebody with a gun goes to jail. But if you do it through pollution, it is the error of your business.

Somewhere along the line we are going to have to get tough, and I suggest that the \$5 million the Minister agrees is only a start.

I want to congratulate the Chairman on the one thought about the nursing homes. I hope that that comes into the operation. Thank you very much.

Mr. Chairman: Mr. Peacock.

Mr. Peacock: Mr. Chairman, I do not want to belabour the ideological position of our party that was put forward this afternoon on account of the remarks I want to make now, because I think it is legitimate to take that ideological position based on the fact that

many of the loans we have talked about have only been committed; they are not actually disbursed.

But I just want to make a few comments now within the administration of the programme, based on some of the answers we have received, leaving aside those ideological considerations for a few minutes to discuss what the actual impact of the programme has been. The minister and his officers of the corporation have said a great deal about the success of the programme. We have had some information about Cornwall, and we have had some information about the actual disbursements of loans in other areas of the province, and I just want to say that the overall impact, particularly for an area like Cornwall, which has received a fair amount of discussion, is far less than the government would like to assert.

We have had, I think, a total of 12 loans listed for the Cornwall area. That is the number I have on the list. Of those 12, from the statement that Mr. Etchen gave us this afternoon, it would appear that two of them have been withdrawn, the Belding-Corticelli loan and the A.P. Furniture Industries Incorporated loan. Another two, Forged Steel Valves and Howard and Sons, have been postponed.

Of the other two companies which have received loans, the two divisions of Courtaulds are in very serious difficulties, where the overall impact of the loans has not been achieved and where there has been a tremendous loss of employment—with the expansion of one of the divisions receiving the loans having done something to prevent the entire work force affected in Courtaulds from being put out in the street and some of them having been absorbed.

So out of the 12 loans in the Cornwall area that have been announced, six in some fashion—either by withdrawal of the application or notice of postponement from the company to ODC or severe economic difficulty resulting in loss of employment—have had considerable reduction in the effect of the programme in Cornwall. I am just wondering whether or not the minister would not agree that in discussing the success of the programme, in future he included in his statistics the kind of information that Mr. Etchen gave us today about the actual number of loans that are likely to have force and effect.

We know that 74 of the 234 have been fully disbursed; we know that another 51 have been partially disbursed. Of the remainder there is a \$20 million balance still to be

drawn on, some of that as a result of the necessary lead time not having been used up. But again I would think a good number of loans covered by that \$20 million balance which has not been touched as yet, may well be in some doubt as to whether they will proceed.

One very notable instance is the Kingston Spinners that we spoke of earlier this afternoon, where a combination of the EIO and the conventional loans would have put \$1 million in the hands of that company much before now if the arrangements had been worked out. But apparently the arrangements have not been worked out and long after that loan was committed to Kingston Spinners nothing has happened.

Hon. Mr. Randall: May I just stop you for a minute? What would you have done? Would you have given them the loan? Would you have said, "Well, when you get everything else settled, come back and see us"? Perhaps the possibility of Kingston Spinners getting under way is predicated on EIO's action in the first place. We have taken the action to get Kingston Spinners organized. If they cannot finish up the rest of their financing, we cannot be accused of standing here and refusing to assist the city of Kingston because they cannot finish their financing.

I think you have to recognize that if EIO do not move first—and we said this afternoon that perhaps we are the key to the financing—if we do not move and give them approval—whether they go ahead or not, we have to move—if we do not move, then we will get into difficulties, you can appreciate.

Mr. Etchen: I want to say something else—

Mr. Chairman: I would ask that you speak more directly into the microphone, sir.

Mr. Etchen: I would just like to add something else about Kingston Spinners. I said we were negotiating with them, and the idea in the negotiations with Kingston Spinners is that we hope, and we have every reason to believe, that the ultimate project will be very much larger than the one that we announced.

Mr. Peacock: Right. I appreciate the minister's comments that the corporation has to be sure that the terms will be met, that the commitment of the ODC EIO loan must come first from any of these firms. I do not know very much about Kingston Spinners. I do

not know what their relationship is to some other parent company. All that we have been told so far is that they are a subsidiary of a U.S. company.

However, the point I am trying to make and get across is that in terms of the actual impact of the programme—never mind the Stevenson & Kellogg reports, which I believe included many of the companies we are talking about that have now withdrawn and have now postponed—we should be informed of the actual impact, when the minister is dealing with the activities of the EIO programme, to the best of his ability to tell us and in as accurate a manner as possible. Because it does seem clear that of the \$34 million of loans that have been approved, plus a large number of others associated with those loans through the conventional lending mechanism, the communities in question and the jobs in question are not getting the benefit.

We have got to scale down exactly what the minister is putting across to us as being the total impact of the programme and come up with a more realistic picture of just what the success of the programme has been. I appreciate that in many instances this is not going to be known for some time after the commitment of the loan. But in many of the instances cited yesterday in Cornwall, and again today, and for other areas, these loans were committed well back in 1968 and 1969, and the minister should not carry them on his books as part of the actual force and effect of the programme, unless there is some sign of the plant going up and the machinery being put in place and the workers being hired to put on the line. Now, I am wondering what happens to the minister's advances and capacity to grant other loans if he is carrying all of these along over a period of a year and a half or a year. Does this not reduce his lending ability?

Hon. Mr. Randall: Oh no, when we go to Treasury Board we recognize that some of these companies have had difficulty in getting under way, or they have not got their plants under way, and they are going to take longer to do it than they had specified. That is taken into consideration when we go up for next year's appropriation as far as the Treasury Board is concerned, because we do not ask the Treasury Board for any more money than we think we need to carry out the actual commitments for that year.

Mr. Peacock: Right. But in making up that budget request, you have to carry over

those loans that have been committed but not drawn.

Mr. Etchen: No. This is a continuing programme. I would like to make that point again; obviously, I have not made it fully clear. Those loans that were definitely cancelled were never included in the statistics.

Mr. Peacock: Nor in the Stevenson & Kellogg report?

Mr. Etchen: No, they were statistics that we put out; allow me to be clear on this. The statistics we put out were where the company had informed us that they are not going ahead with the programme, and not in the statistics that we put out. I would say that there was no possible doubt about them.

Hon. Mr. Randall: They were eliminated before we gave you the figures.

Mr. Etchen: Yes. The figures that we put out state that none of the money that has been committed and the amount of jobs that these companies hoped to create and so forth—I told you earlier in these estimates that the figures that had been put out had been on the low side, overall, where they have been completed. Now, there is no way, unless they are going to stick to figures and forget all about those that have been approved, to say nothing about them at all until the plant is actually in. We could put our statistics that way; that would be one basis of putting it. But it would not give anybody, neither the members of the House nor the general public, the amount of money that has been committed and some of the things that they hoped to do with it.

I think the best way to present these figures is that we never claim anything we cannot actually prove, and we are simply giving the members of the House and the public information to which they are entitled on the number of loans, the amount of the loans and the jobs that they hope to create. Now this would be the best bet, as to the jobs the companies are going to create.

I have never heard of any financial institution that cannot operate otherwise; there are always cancellations. It always takes time to put a plant in, and this is just a startup of the programme, so there has to be this time when we are just starting and while the companies have to go into production; there has to be this lead time.

Mr. Peacock: All right. I am not quarrelling with the facts as they are presented in the minister's press releases announcing the

granting of EIO loans. All I am saying to him is that until now, until the meeting of this committee to consider this year's estimates, we have relied on those same press releases to give us, the members of the Legislature, some idea of the actual impact of the programme.

I look at the Cornwall area, for instance. I look at the releases, and I look down the list and count approximately 12, I think; perhaps I missed one or two, and I may not have them all. There is Chisholm Lacrosse Manufacturing, Courtaulds Canadian Synthetic Fibres Limited, Cavelle Carpets Limited, Howard and Sons and so on, and of that number I see six that are not, in fact, contributing to the programme. Two of them because of economic difficulties and the other four because they are not in the programme.

Hon. Mr. Randall: That is a very minute number again. There are 234 loans.

Mr. Peacock: Right. But you say that the programme is designed to serve communities such as Cornwall and, heaven knows, no one is disputing that Cornwall deserves this kind of attention. All I am saying to the minister, Mr. Chairman, is that, until now we have not been able to come to grips with an accurate assessment of the value of the programme to a community like Cornwall, and in the light of the information we have received today, we have got to revise that evaluation when we know that firms like Caravelle and Courtaulds are having difficulties, perhaps not of their own making, but there has been a tremendous loss of employment there that others have—

Mr. Etchen: There has been an increase, I am told.

Mr. Peacock: Yes. There has been an increase, true; but it has not, in any way, been able to absorb—

Hon. Mr. Randall: Well no, but listen—wait a minute—

Mr. Etchen: There would have been the loss of jobs. That is what the record states. There would have been the loss of jobs at Courtaulds in the rayon part of the factory whatever happened. There was no way in which the company could maintain this, so this was a fact of life; there was nothing at all to what we did. With the two loans to Courtaulds, it would be for the best of the ability of the circumstance we had to work with which would alleviate them.

Mr. Peacock: Right, but it remains a fact—

Mr. Etchen: And I just want to correct something else. Belding-Corticelli actually is not in Cornwall; it is outside somewhere.

Mr. Peacock: No. It is just outside Cornwall.

Mr. Etchen: It was going to be in Charlottenburgh township. I do not see—

Interjections by hon. members.

Mr. Peacock: I am not finished, Mr. Chairman. I am just winding up to say that I think that, as a result of this discussion, at least as far as Cornwall is concerned, we have a better picture of the actual extent to which the programme has been working for Cornwall, and it is something less than one would have estimated on the face of the information that had been provided to us earlier.

So I would like to know, of course we do not have time, but I would like to know to what extent this is true of the rest of the programme. Now Mr. Etchen has given us some of the figures in respect to withdrawals and postponements; but again I come back to the instance of the Kingston Spinners, where this presumably is one of those loans that falls within the \$20 million balance. You do not regard it as a withdrawal, you do not regard it as a postponement because it was not in your list of companies that had notified you of a postponement. How many other companies are there like Kingston Spinners covered by the balance of the \$20 million that is yet to be drawn as of this afternoon?

Mr. Etchen: Well let us clear up the situation on Kingston Spinners once again.

Mr. Peacock: It goes back to 1968!

Mr. Etchen: We are negotiating with Kingston Spinners a much larger project than was originally the case. As far as we are concerned, at least to my knowledge as I am standing here now, I have no reason to believe that Kingston Spinners' project will not proceed. In other words, I have every reason to believe that it will proceed.

I cannot guarantee it, because I cannot read the minds of the management. As far as we know at the present time this one will proceed. As far as we know we have not been given any indication that any of the others that we have not mentioned will not proceed.

Now I am not saying that some of them will not withdraw, what I am saying is that as we stand in grant paying at this time, we

have not been given any indication that any of the others will not proceed. Now whether that will change or not, of course I have not got a crystal ball.

Mr. Peacock: Well, it makes one wonder about the others.

Hon. Mr. Randall: May I just add one thing here? We have heard a lot about Cornwall today, and rightly so, because Cornwall is in trouble. We have done everything we can possibly do in our department to make sure that we process every loan for Cornwall regardless of the number of people employed. If we are optimistic enough, perhaps we can think that the Caravelle Carpets Company will replace the parent company one of these days and produce enough carpets to have 1,600 employees back there like it did, perhaps many years ago.

We have overlooked all the towns which have had a very successful operation; like Bowmanville, Cobourg, Port Hope, Belleville, Trenton, Brockville, Carleton Place, Smith Falls, Penetang, Orillia, Port Arthur, Napanee, Arnprior and many others. We have not heard very much from my friends here in the room today about our successes.

We have all heard about Cornwall, and I say, despite what has been said about Cornwall today, this government has done a fantastic job in trying to keep Cornwall floating. We recognize that Courtaulds are going to pull the plug, that is why we have put the pressure on to try to get industry in there. So I do not think we should be condemned. I do not think you are condemning us, but I do not think we should be criticized for the number of jobs we created in Cornwall, with the number of loans we have made, in view of the fact that Cornwall, as we recognize—I think your leader said so yesterday—is a very difficult area. It has been a textile town and it is one of those towns in which, unless we can get a big industry in there, we are not going to absorb those people as quickly as we would like to.

Mr. Etchen: Well, I would just like to add that I am encouraged by the Cornwall situation, but I have not mentioned it because we do not want to claim anything. We never attempt to claim anything that we cannot substantiate.

You say that so many have fallen out at this point, that is quite true. Well, here are four that we are processing right now in Cornwall which we have never mentioned. Cornwall Brass and Iron Foundries, we are

considering in Cornwall; C-Tech Limited; Frepal Limited; and J. M. Bestner. And there are two more; Aries Company, for example. So that if you want the full picture on Cornwall—

Mr. Peacock: They are still in the application stage.

Mr. Etchen: They have gone as far as approval in principle from our consultants.

Interjections by hon. members.

Mr. Etchen: Do you want the complete picture on Cornwall? I am giving you the complete picture!

We are not claiming these. You are saying that some fall out; so they do. I am saying that some have been replaced, and this is a normal course in events of any finance institute. Some fall out, some have come in to take—

Mr. Peacock: Take credit for what you have actually accomplished; tell us what you actually accomplished!

On vote 2207, Mr. Chairman, can the minister tell us why item 2 appears apart from vote 2208. It is: equalization of industrial opportunity loan forgiveness, \$950,000.

Hon. Mr. Randall: That is the amount of money that will be forgiven, on the 10 per cent annually basis, for that particular year. Am I right, Mr. Etchen? That is a provision that has been arranged for the—

Mr. Peacock: That is the one-tenth forgiveness each year of the first five years?

Hon. Mr. Randall: Yes.

Mr. Peacock: You have to show these items twice then, once when the corporation receives its advance from the Treasury, or the consolidated revenue fund, and again as you forgive the—

Mr. Etchen: Yes; I think the intention is to keep the books straight.

Mr. Peacock: Have you as yet withheld any annual forgiveness note?

Mr. Etchen: Eight! You see it is just a start of the programme. I think there have been eight.

Mr. Peacock: Eight approvals of the forgiveness—

Mr. Etchen: Eight forgiven.

Mr. Peacock: Eight 10 per cents, is that right?

Mr. Etchen: That is right; Eight 10 per cents.

Mr. Chairman: Mr. Gilbertson.

Mr. B. Gilbertson (Algoma): Mr. Chairman, Mr. Minister, I want to speak on Blind River, on industrial development for Blind River.

Now we have heard a lot of discussion here this evening about various ways of utilizing our natural resources, a lot of which is wood. As we realize, in Blind River for the last 50 years there has been a white pine sawmill operation and it has produced about 40 million feet of lumber per year, which is a large operation. In fact, it is the largest soft wood operation east of the Rockies.

Now I think that this experience of Blind River should be a lesson to us. Instead of an operation, such a large operation, just phasing out overnight you might say, or almost, I think that as the government we should have stepped in there soon enough to try to phase that operation out in such a way that a smaller operation could fit into the picture.

I know we are working at that now. We are trying to get some smaller wood consuming operations into Blind River, but when we think of the large amount of raw material that was coming out and being shipped away from there, surely there must have been some way that some industry could have been set up there to take up the slack and produce stock of some of the dimensions which we are aiming at now. I understand that through your department we are aiming at getting some wood-consuming operation in that will utilize and cut dimension stock that will create more employment.

Now we know that just regular modern sawmills today, even a small sawmill, which you might consider to be not as efficient as some bigger ones, are really quite efficient; and as a result they do not employ too many men. I know I was in a sawmill operation in my riding that was producing 16,000 feet every eight hours and there was probably only about four men on the floor. But it is a different story when it comes to where you have to take that lumber, you put it in the dry kiln to dry it, which creates considerable labour just to handle that lumber, to get it piled into proper ways to put it in the dry kiln; it comes out again and has to be rehanded. Then from there it has to be cut into dimension stock which creates considerable employment. I am familiar with the

logging and lumbering operation. We sell to a factory in Sault Ste. Marie where they do this very thing.

In fact they make table tops, hardwood laminated table tops, and all that stuff has to be cut into various lengths and dimensions. I feel that a similar operation like that can go into Blind River. One of the important things in northern Ontario in this day and age is to utilize every bit of the wood, you might say everything but the branches, which they are doing in some of the modern, efficient mills in northern Ontario.

For instance, I would like to bring one to your attention. Mr. Minister, Dubreuilville. Four brothers went into the woods there and they drove a stake and said this is where we are going to build our townsite. If you go up there today, it is only about 10 years they have been operating, you have a population of 700 people there, in a very modern housing development, which I wish some day the minister could come up and see for himself.

Hon. Mr. Randall: If we ever get out of here I will join you.

Mr. Gilbertson: This is a modern example of what can be done. Now they would like to expand their operations still further by installing a presswood mill, you know, for making press boards. If they do that they will utilize every bit of all species of wood. There is one particular species that is not used very much and that is poplar and there is a lot of it up in northwestern Ontario. If they can install a pressboard plant they can utilize this and it would create a lot of labour.

While I am on this Dubreuilville deal, I know, Mr. Minister, we give incentive grants to various industries; this company has not asked for any grant that I know of, at least they have not got any so far, but there are some things that you can do for some of these places in northern Ontario. They are requesting to get some pavement in their town even if it is just on the main street. They are not asking for very much. I do not know whether this comes under your particular department or not, but I do not see why it cannot be so diversified that you can switch and help out in some way. They are not asking for a lot of money for they have done this on their own.

They have one of the most efficient softwood lumber operations in Ontario; and not just lumber—the produce pulp. They had a chipper, so the only thing they do not use

is the branches now. They take it right down to two-inch diameter. I will tell you it does you good when you go up there, especially when you have seen in previous years how some lumbering operators have carried on, and the waste. I think that is one thing that we need to aim at, to see that we get operations in that utilize every part of the tree.

I have heard some say we have got the wood up in the north, why cannot we build furniture up there. I do not think that is feasible for the simple reason that transportation of furniture is a different story altogether from transporting dimension stock. You know yourself that when you transport dimension stock it is all baled and it is very compact and you have no problem to ship a lot of it. It can be made into the very things that the factories down in eastern Ontario, where they are running out of wood, are making. You could make that up in the north, cut the pieces to the right size and when they get down here they can just pick them up and they are ready to be made into furniture.

I have another lumbering operation and that is Hornepayne. It is similar to Dubreuilville. These are model lumbering operations that are worth looking into. I feel, Mr. Minister—we will go back to Blind River—and I would say that that is the most feasible thing that I can see in the future for Blind River as far as thinking about wood products is concerned. That is to put in some type of operation where they make dimension stock because it involves a lot of labour to cut these various pieces. You have got to have a lot of various types of saws, cleaners, and so on, dry kilns and so on. I would say that is one answer for Blind River. Of course, the next thing is, if a paper mill can be established, I would say that that would be the real answer.

Mr. Chairman: Mr. Henderson.

Mr. L. C. Henderson (Lambton): Mr. Chairman, just a few remarks that go beyond Mr. Gilbertson's and his wood industry. With the modernization of our industries there came a great demand for pallets for loading different supplies for transportation. Does a pallet mill—this is wood manufacturing—qualify for one of your loans? Have you had any?

Hon. Mr. Randall: I would think it would. Does anybody want to make a comment on that?

Mr. Etchen: We have considered this pallet operation. In fact, it has been part of a larger operation. Off the top of my head I think we have made some loans to that.

Mr. Henderson: They do qualify then?

Mr. Etchen: Yes, they do.

Mr. Henderson: Thank you.

Mr. Chairman: Shall the two items carry?
Agreed.

Votes 2207 and 2208 agreed to.

I thank the members of the committee very much. If you will allow, we will have about a five minute recess so we can bring in the other officials and allow a certain little courtesy to the minister. Then we will reconvene.

Hon. Mr. Randall: Does anybody want to be my guest?

Mr. Chairman: Now, if I can have your attention and if I can have some agreement here, I would like to call this; because of the way the items are drafted, we will deal with 2209 and 2210 together in a general way, and following that, of course, 2211 and 2212. They are related that way. If I can have your agreement, we will proceed and by some general consent we will call on Mr. Morrow first.

On votes 2209 and 2210:

Mr. D. H. Morrow (Ottawa West): Mr. Chairman, I have no long profound remarks to make but under 2209, item 1, subsidies in the form of contributions to the Ontario Housing Corporation to finance its operations, I would like to just say a few words regarding the Ontario Housing Corporation activities in the Ottawa area, particularly as these projects affect my own particular riding in the west end of the city.

I am aware of the fact that for several years now the corporation of the city of Ottawa, like other large urban municipalities, has been pressing the government strongly and has been appealing to the housing corporation to help them resolve their housing problems. Now that the corporation has built several large projects in Ottawa and have others awaiting final approval, the council of the city, as well as many property holders, is concerned over the social impact such large low-rent projects will have on local neighbourhoods, as well as, of course, on the people who live in these large complexes.

I am concerned in particular with the large number of units that have been built in my

own particular neighbourhood in the west end of the city and the prospect of even more and greater development because of other proposals that are being put forward in the same area. To pinpoint this density of population for the housing authorities, I might say it is in that area of the west end bounded by Carling avenue and the Ottawa River on the north, and by Pinecrest and Richmond Roads and the Queensway. It is more familiarly known as the Britannia area; there is Britannia village and Britannia Highlands, which are referred to as the Britannia area of the west end.

My neighbours and I have already witnessed the completion in the last two years of two very large projects right on our own perimeters—I am talking about on the edge of our own properties—and now we have the prospect of two others in the very same vicinity, one proposal being as large as 420 units. If these two large new projects are added to what already exists in this particular area it will mean a tremendous concentration of one type of housing. In my opinion this results in a very bad, unbalanced population mix, for one particular area to have such a high density of population, of low rent housing population. Educational, recreational, religious and other facilities will suffer also from the lack of balance and social problems of a critical nature which I fear are certain to arise.

Now I appeal to the minister, through you Mr. Chairman, and to the senior housing personnel on behalf of the permanent residents of this area, to take a second look at their new proposals for the west end of the city before making any concrete moves, to see if something can be done to alleviate this situation which I have covered.

As the member for the area concerned, I wish to make my position perfectly clear. I am definitely opposed to any further low-rent development in the west end, in this particular section of the city, because I think the density per acre now is extremely high. I would like to see another type of housing or land use developed in this area in order to avoid the many disadvantages which I have enumerated as emanating from such high density of low-rent housing in one particular area of the city.

I believe the Ontario Housing Corporation and the people in that corporation now have the experience and they have the expertise with which they can now become more selective in regard to the size and the number of projects that are approved in any one area of a large urban city.

Mr. Chairman, I may say, and I have already said, I have many irate homeowners in my area of the city of Ottawa. I think perhaps their collective temper is going to rise and increase if this matter gets worse, so I would like to speak out on their behalf at this time. If some of the officials would care to comment on this particular heavy density of low-rent housing in this particular area that I have outlined, I would be pleased to hear if they have any further thoughts on the matter.

Hon. Mr. Randall: I would like to ask Mr. Goyette to comment, he has been up to Ottawa recently on this.

Mr. P. R. Goyette (Ontario Housing Corporation): Mr. Chairman, it looks very much as if in the city of Ottawa we may somehow be suffering from our own success. We now have something like 3,000 family housing units either under management or under development, and we now have people living in about half them. Besides that, we have responded to the request from the city of Ottawa for something like 1,750 senior citizen units.

Now I recognize, Mr. Chairman, what the hon. member is saying. There is a concentration in this area, within a quadrant. We do have a project of 180 units I think in one area. There are another 136 not too far away and these have tended to be of the fairly high bedroom count.

The numbers themselves are not particularly high in terms of what we have been getting across the province, but this was an attempt to respond to the request from the city on their need of accommodation for large families. I think that if one did a survey, the city of Ottawa has had the capacity for providing a slightly higher per child count than some of the other municipalities.

Mr. Sargent: I guess they do not use the pill down there.

Mr. Goyette: No, but we are learning!

Now on the specific project you have in mind, we were all aware that there is a density problem, so we have done, really a couple of things! We have met with the board of control of the city of Ottawa and we are going to see if we can act as a catalyst with the developer and arrange to co-ordinate his development with that of the other adjacent landowners. That would be number one.

Mr. Morrow: Is this in the new 420-unit project?

Mr. Goyette: That would be, yes, in the new 420.

Now there is a problem there, sir. It still requires a zoning change in the city of Ottawa. If the zoning change is not given to the developer then of course the project will not go ahead. So it still depends on that zoning change, and of course the people in the area do have their opportunity to make their views known to the municipality and of course to the OMB. This project has been on the books for well over a year and we just do not know how successful it will be going ahead. But we did talk with the city officials to see if there was something we could do to work something out with the adjacent landowners and change the density somewhat, at least on the fringes.

At the same time there was a proposal. The proposal went as far as having federal approval for funds for a 250-unit senior citizens complex. It would have been on that same property and being mindful that some reservations were raised we were successful in switching the funds that would be applicable to that apartment high-rise unit to another project in the centre of the town; so that would have the effect of reducing the density.

I think on the last comment you made, sir, in reference to the social amenities, it would be a requirement in this one because of its size. Negotiations are going on because of the family content here, to build a social centre, which we were not able to finance successfully under The National Housing Act in recent years. But the federal government particularly, is now responding to desires with provision for some social amenities. So there may well be some separate building that would provide the kind of social amenity you spoke of.

There is, as you know, a separate school site. Some discussions are taking place between the Ottawa school board and the CBC about an exchange of land. In summary, we are mindful of the situation and we are going to see what we can do that will work out. We are not even sure whether the project will go ahead and we will not be putting any more projects in that particular area.

There is one which is not too far away which you have not mentioned. It has been split in half; one half of which would have been a rental housing project will now be a condominium project, which would be a home

ownership for sale and which has a slightly different connotation.

Mr. Chairman: Mr. Martel, for a question.

Mr. Martel: I have a question of the minister.

Mr. Minister I raised the matter with you sometime ago and we discussed it last week about the situation on the Home Ownership Made Easy. Has someone from your department been into Sudbury yet to investigate this particular complaint; and if so are there any results of the investigation?

Hon. Mr. Randall: Bob, have you got the story on that? Mr. Goyette would you like to take the floor again?

Mr. Goyette: Mr. Chairman, I believe this refers to someone who lives on Gary Street in New Sudbury.

Mr. Martel: Yes.

Mr. Goyette: In summary, this is a lot, a home lot, which was disposed of to an individual family to arrange for the construction of a house. The arrangement was made for the contract and the house was built and I gather the problem has been the house has not been built entirely to the individual's satisfaction.

Hon. Mr. Randall: That is putting it mildly, yes.

Mr. Martel: That is putting it mildly. The Hydro was not satisfied either.

Mr. Goyette: All right; that is for the record.

Now yes, we have been in touch. As you know, that particular house is financed through The National Housing Act and inspections have been performed by Central Mortgage and Housing Corporation and by the municipal people. We have been in touch with Central Mortgage and we have been in touch with the builder, we have actually had a person try to get in touch with the family. The family apparently has been out in the daytime, but we did get to someone in the family.

We now will do what we can to see if we can bring the builder, the family and the inspectors together and I hope that maybe we can work something out for them.

Mr. Martel: Thank you.

Mr. Chairman: Mr. Trotter.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I would like to make a few remarks on the subject of the Ontario Housing Corporation. I know that some of us on the opposition side of the House have often accused the minister of making flamboyant statements about housing in the province of Ontario and what the government is doing, and we have often called it housing by headlines. Well, no doubt today we are seeing headlines about Harbour City—that may come about and it may not—but we are also seeing other headlines that are far more serious, such things as the number of housing units that were built in February of this year was down over 78 per cent, compared with last year. In Metropolitan Toronto, the building of housing units was down about 90 per cent in the month of February, compared with the same month of 1969. And even though it is bad enough, it is almost disastrous that housing units are decreasing at such a drastic rate; in fact they are not being built. When we look at what was built in the Metropolitan Toronto area in 1969 we find that over 68 per cent of the housing units were apartment units.

When we talk about HOME or Home Ownership Made Easy, we find there are really very few homes being produced, so the average person does not have an opportunity to owning his own home, particularly the young people who are taking their place in our society today. And just to illustrate how serious it is becoming—and I take these figures from the "Canadian Housing Statistics" for 1969—as far back as 1965 the NHA borrowers came from the lower third of our population; NHA supplied nearly 18 per cent of our lower-income group, the lower third of our population, with housing, insofar as they can get loans. This was not subsidized housing; this was actually supplying mortgages.

In 1969, it was down to just over six per cent; in other words, only about a third of the lower third is getting any help to get their own home. And yet it is the upper third of our population that is getting the benefit of the National Housing Act. About 28 per cent of the upper third of our population in Canada—these are figures for across Canada, but they really apply to Ontario—about 28 per cent of the upper third used the NHA loans back in 1965. Now it is 44 per cent. In other words, even the upper third of the population, insofar as their housing is concerned, are depending more and more on The National Housing Act. And the lower income families are getting less and less opportunity to own their own home.

I think this is a major social disaster for Canada as a whole and, more particularly, for those of us who are more concerned with the people in the province of Ontario. I think we should examine—and we most certainly will examine—the role of Ontario Housing Corporation during the estimates, in what they are doing and what they are not doing in providing good housing for the people of this province. I do believe, essentially, that Ontario Housing Corporation, despite what accomplishments it has made, is becoming a bureaucratic monstrosity; it is simply not able to make the decisions and to give the people not only housing, but the type of housing they should have. In fact, Mr. Morrow brought up a very moot point about how we are building subsidized housing; there is no question that we need low-rental subsidized housing, but it is utterly ridiculous that we turn it into ghettos, and this is what is going to happen in the Britannia area if they proceed.

In some respects, they are giving the people who are going to live in those areas a stigma that actually does exist when people become identified with living in low-rental housing. So it is the quality of our living that we are not facing up to, and it is most unfortunate, because we in this province have the expertise and we have the resources to really do what we want if the political leaders will give the leadership that should be given.

There are many reasons, of course, why housing is so expensive, why the average person is not having the opportunity to get the type of housing he wants. And I do not intend to go into all the details at this moment on what is wrong. One of the main reasons is how we purchase land, and why we have allowed profiteers, really, in many cases, to rob the average person blind with the aid and help of the Ontario Housing Corporation. Whether they do it blindly or whether they do it because they do not wish to interfere with free enterprise, the truth of the matter is that the policies of the Ontario Housing Corporation have helped some of the very few to do extremely well at the expense of many of the people of this province, and particularly through the coffers of the taxpayers of this province.

To illustrate my point, Mr. Chairman, I want to go into two illustrations of where housing developments have taken place in this province and to try to point out where we have done what I think is this tremendous harm to government housing policies. I think it is extremely unfortunate and unfair that

the old wives' tales are sometime proved, that if government does something or someone is working in government they are there because they could not get a job any place else.

We are just as capable, as a government, of doing things properly as is free enterprise; in fact, in many cases we have more opportunities to do things for the people of the province than free enterprise—and government is not profit-motivated, which makes a tremendous difference. But when government is inefficient, or when it is really playing up to private interests, when the political leadership has really been—as it is, in my view, in some instances—playing up to private interests, it makes government appear as if it is weak and highly expensive in the way it carries out the projects it undertakes.

One of the illustrations I have is near Metropolitan Toronto—I do not intend to go into it in great detail, because we have discussed it before—and the other is a considerable distance from Metropolitan Toronto. What has happened at Bramalea deserves to be recapitulated and studied as just what government should not do, because one of the first things that we as a government and as the Ontario Housing Corporation should do is to see to it that there is inexpensive land. It is not the business of government to shore up the prices of land in order that they do not interfere with the private market, and certainly in the two illustrations I have there is no question in my mind that the policy of government has played into the hands of private speculators, in some cases, to a tremendous amount.

You will recall that back in May, 1967, when the Ontario government—or at least the Ontario Housing Corporation—offered to buy about 1,666 lots from Bramalea corporation, there was a tremendous amount of headlines; in fact, I think it was around election time that some of us were very cynical and we said that HOME did not stand for Home Ownership Made Easy but was Mr. Randall's slogan of Help Out My Election. Well, I guess with the election results, it did on that occasion.

Let us take a look at what has happened at Bramalea and how it has cost government a lot of money and has put money into the pockets of people who should not have received the amount they got. Ontario Housing Corporation purchased these 1,666 lots for \$10.7 million. That was eight per cent of the Bramalea holdings, and when

they paid that \$10.7 million, they paid twice the entire original price for the 4,500 acres that Bramalea bought. Now, I admit that the 1,666 were serviced by this time, but that still does not explain why, in buying eight per cent of the holdings, you can pay twice the entire original price for 4,500 acres.

Hon. Mr. Randall: Would you suggest we expropriated them?

Mr. Trotter: Expropriated them?

Hon. Mr. Randall: Yes.

Mr. Trotter: Well I will get into that. But I would not mind expropriating here. If you are going to get good housing, I would not hesitate to expropriate. After all, you expropriate for public works; you expropriate for schools. Then I may ask, why do you leave 1,700 acres in Malvern sitting there? But if you are going to have good housing—

Hon. Mr. Randall: It is not sitting there; it is working.

Mr. Trotter: Pardon?

Hon. Mr. Randall: It is not sitting there; it is under way now.

Mr. Trotter: It has been sitting there since 1953. I will get into that before the estimates are gone, but that gives you some idea of what it costs. What concerns me when I think of the cost of Bramalea is this: During the week of May 7, there were only about 1,911 shares traded on the stock exchange in the city of Toronto, and they were running between \$8 and \$9 a share. Then as a result of what the insiders must have known was going on, there was some talk, there was a secret meeting with some of the council members out at Chinguacousy whether it was a secret meeting or not I cannot say. Suddenly a week later—that was the week of May 14—24,587 shares were traded and the price jumped to \$11.70.

Hon. Mr. Randall: Would you call that a big jump, \$2 a share?

Mr. Trotter: Oh, it has gone to \$38. You listen. Then, the Home Ownership Made Easy deal was presented to the Chinguacousy council on May 26, 1967. Now, the two men who were the leading lights in Bramalea, an Alan Taylor and an Arthur Armstrong—Mr. Taylor was the president and Mr. Armstrong, I believe, was the executive vice-president—had options to buy stock at \$5 a share. Naturally, when it was moving up, at around \$11, they exercised their options. If they had sold

immediately, they could have made an immediate profit of, in the case of Mr. Taylor, of \$185,000, and of Mr. Armstrong of a little over \$64,000. Of course, they hung on to their shares. I do not think they dumped them until the stock got around \$38 a share.

Mr. W. Hodgson (York North): What is wrong with that?

Mr. Trotter: That is it; this is a typical remark from a Tory. We are dealing with a housing situation and you say what is wrong with that. I want to let you know what government money is being used for. All right, a lot is wrong with it. You people are so obtuse you do not realize you are robbing the people blind by the policies of this government.

Mr. W. Hodgson: You are getting excited again.

Mr. Trotter: All right, will you sit and listen? I am going to get more excited, before I get through with you. Now, by August, 1969, Mr. Taylor had realized in profits of \$600,000 and Mr. Armstrong, of \$550,000 that we know of. I really feel that that is a low estimate. But the fact is that government money had gone in at a time when we were trying to lower the price of land. On other occasions, I have brought this up. On that occasion, the government paid approximately \$6,700 for a lot and they sold it to future home owners at, approximately, \$9,000 a lot. In other words, instead of turning it over to a home owner, or a home builder at \$6,700 a lot, the OHC itself was making a profit, simply because the government did not want to interfere with the private market. Again, I point out as a principle that one of the major purposes of the Ontario Housing Corporation should be to reduce the cost of land.

In any event, this is what happened. The Ontario government still went ahead. In April, 1969 they had another deal. From Bramalea they bought another 4,602 lots for town houses at \$4,000 per lot. I think the total amount of money came to \$18.4 million that was handed over by Ontario Housing Corporation to Bramalea.

They were going to build houses, at 18 houses to an acre, on land that originally cost \$1,100 per acre. All right, it is serviced. What does it cost to service? Approximately, \$1,000 an acre.

Hon. Mr. Randall: \$20,000 an acre!

Mr. Trotter: All right. Their total investment was \$20,000 an acre. They realized

\$72,000 on that acre that cost them a total of \$20,000 including various expenses, a profit of \$52,000. Now if we are short of money to build houses for the people of the province of Ontario why in the world should this government go out and pay a private company that kind of money? I say it is ridiculous and it is a shame to the people as a whole. Really, it is utterly disgraceful management of the coffers of this province.

Hon. Mr. Randall: May I ask you where you could have bought the same kind of land in the same area at that time, if you were doing it?

Mr. Trotter: I can go into this. Why do you have to go and walk into Bramalea?

Hon. Mr. Randall: Just tell me where you can buy the land?

Mr. Trotter: All right, I will get into that because I will show you, in other instances, how the land has been cornered—and you sat there and watched it—land that has been cornered by private developers and you have had every opportunity to stop it.

When Bramalea originally moved into Chinguacousy township it was set up that, after all, this was going to be a satellite town. They were going to have industry, they were going to have one thing and another and the assessment was to be 57 per cent residential, 43 per cent industrial.

In fact, Bramalea, at one time, in an attempt to bring in industry, sold some industry property at a dollar an acre. Of course, the cost was transferred to the homeowners. It was strictly an economical deal. If you are selling to industry at a buck an acre, you have to pick it up some place else, so it is the homeowner that pays.

Even that did not work out. Industry still did not move out there and the so-called "balanced community" never did develop. I doubt if it ever will. If you have ever been around Bramalea you have seen that it is almost a dormitory town, where 80 per cent of the people work in Toronto and where 20 per cent of the people work in Brampton. If you ever want to call it a balanced community, or community planning, it is a pretty poor show.

In 1968, the Bramalea company, because they had not been able to make up the necessary industrial assessment they had promised, paid in penalties to the township \$225,000. Then, along comes big-hearted Ontario Housing Corporation with this latest

deal that they had in 1969 and kindly got Bramalea off the hook.

The Ontario government paid \$11 million to the township and the company was released from the responsibility of providing that industrial assessment. So that the company was released, not only on the home lots, but also on 1,400 single and semi-detached lots. They were released from their industrial assessments out of the good graces of Ontario Housing Corporation.

The company, in this last deal of 1969, got from the government \$18.4 million. They were released from the responsibility of their industrial assessment and then they were in a position to make further profit on the 1,400 lots that they still owned. Of course, on the 1,400 lots that they still own they are going to build houses. They are going to be building and they are going to be selling houses so they can make more money on that.

Mr. G. Ben (Humber): How about the sewerage system that McKeough got for them?

Mr. Trotter: Yes. There again, we went into that one other time, but the Ontario Water Resources Commission have also been very obliging to these people.

Over and above these 1,400 lots, right nearby, Bramalea also has 4,000 acres of undeveloped land sitting there waiting for the right opportunity. And, of course, there is no question that this is going to be a highly profitable thing for them. I sometimes think that when the developers see that sign HOME, and we call it Home Ownership Made Easy, I rather think that they rather twisted it to say, "How to Make It Easy", because this is what has happened in this province in this day and age. There is no question that it has been sheer stupidity on the part of government—

Hon. Mr. Randall: That is just one man's opinion.

Mr. Trotter: I might mention, Mr. Chairman, that the tenants, when they lease the lots from the government, pay \$43.50 a month; if they do not buy the lots and they lease them, they will pay \$43.50. If it is figured in the same manner of a 35-year mortgage, they are going to end up paying about \$18,270 for lots and they still will not end it at the end of 35 years. How is Home Ownership Made Easy under such standards as that?

That is one particular example, Mr. Chairman. When we examine the background of

that field, there is no question it is a blot on the province from the financial point of view, but it also shows a lack of planning. And there is no question that the government is going to have to take a strong stand on what it believes a community should be.

I am old-fashioned enough to believe that we are capable of producing homes; that we do not necessarily everywhere have to put people in these huge high-rises that are really concrete filing cabinets; that people, particularly with families, have little opportunity to enjoy equality of life.

Many of us will want apartments; it depends upon our stage in life what we want. But studies have been made, and a thorough study is being made now, on the effect on people living in suburbia and, more particularly, people having children living in apartment blocks.

We just do not have any policies that are worthwhile to show that there is any determined leadership on the part of this administration.

I said, Mr. Chairman, that I had another example of where I think the government has really played into the hands of the developers. Also, even after it has played into the hands of the developers and purchased property, it has constructed a type of building and a type of accommodation for people that, in this day and age, should simply not be built.

I again underline what Mr. Morrow said. I do believe in subsidized housing, but I emphasize the importance of how you build it, where you build it, what are the amenities supplied, what is the opportunity—particularly for the children—to take advantage of the many cultural opportunities that are in the province of Ontario.

This is not an economic decision in supplying housing. We have to consider economics, it is true, but when the men who built Bramalea approached their task, they did it strictly on the matter of economics. They made no secret on it. They were in business, and they said it is how they are going to make a buck.

This is simply not good enough for those of us in this province who have to supply the proper housing, because if you do not have the good housing that we require, government is going to end up paying the costs of the numerous social disasters that take place in families who do not have the proper accommodation. It ends up in our courts; it ends up in welfare; it ends up in all the social services. These are the huge

bills that pile up because we do not think ahead.

The volumes on the subject are numerous and they all point to one thing—that we simply do not approach the housing problem as we should. Bramalea is a shocking example of how we can build a lot of match-boxes without the proper amenities of life. But, even worse, it has misused public money to line the pockets of the few. A few have become wealthy and it really amounts to mansions for a few, while hundreds of thousands stand in line looking for a home.

Believe me, it is no exaggeration when I say hundreds of thousands. We know that there are approximately 15,000 applications in Metropolitan Toronto today for subsidized housing—well, for low-rental housing and homes for the aged, it comes to approximately 15,000, give or take a few, so that I am not far out in that figure.

We know today that approximately 80 per cent of the people of Canada do not qualify for an NHA loan. Many people—going back over the years—would call it socialism, but not too long ago I had an opportunity of talking to a man who thought I was a socialist. Now he is all worked up about housing, even though he is quite well off, because he found out that when his son went to buy a house, he could not buy one; so the old man put up the money. That young fellow's problem is solved. But we in government are dealing with the majority of people who do not have parents who can put up the money.

This government simply is not facing up to a tragic social fact that is with us today. It is a crisis, and it is a national disaster, and a very local disaster for us in Ontario, when we see that construction for housing units has decreased 73 per cent, say, in the month of February compared with the month of February in 1969.

Mr. Chairman, I had an opportunity to obtain from Ontario Housing Corporation a list of the contracts for family units for 1968 and 1969, for senior citizens' units for 1968 and 1969. It is interesting to peruse them, to look them over, because when you go over the list of contracts, let by Ontario Housing Corporation for family units in 1968, there were 39 projects, 39 contracts let. They are from all over Ontario—London, Kingston, Hamilton, from east to west. They cover a great area. But we look and find that a company called Headway Corporation Limited has got 12 of 39. Then when you turn and look at the contracts for family units in 1969, in that year OHC let 51 contracts,

again all over the province, and 14 of those 51 contracts were let to Headway Corporation Limited. I notice there is one other company that got a contract, and I am quite sure, it is an associate—the Mayotte Construction Company.

Now, there is no other company that comes anywhere close to getting that number of contracts. I might also mention that for senior citizens' units for 1969, again all over Ontario, a total of 41 contracts was let, and this one company, Headway Corporation Limited, got nine of the contracts. There is no question that one particular company has been getting a great many of the contracts let by this government, and you know it is most interesting when you look at—

Hon. Mr. Randall: Are you saying they are crooks?

Mr. Trotter: I am not saying they are crooks.

An hon. member: But maybe you are inferring—

Mr. Trotter: You had better sit and listen. I did not say anybody was a crook. I might be telling you that the government is stupid. I got your prospectus. I want to give you an idea, before I am through tonight, just how they plan what they do. If they are low

bid, I can give you some idea of the type of way they are cornering the real estate market. I think some people in northern Ontario better smarten up if they do not want some of their communities destroyed.

Interjections by hon. members.

Mr. Ben: Would the minister have for us tomorrow what those contracts were let at? We have the tender prices here. We would like to know the other price.

Hon. Mr. Randall: Our staff will have all the information for you.

Mr. W. Hodgson: Some lots are selling for \$9,000 in Bramalea. What would they sell for in Etobicoke or Mississauga and in Brampton?

Hon. Mr. Randall: \$13,000 or \$14,000.

An hon. member: That is to OHC from their friends.

Mr. Sargent: And \$3,500 in Saskatoon for the same thing.

Mr. Chairman: We will adjourn the committee for today and reconvene Monday afternoon at 3:15 p.m.

The committee adjourned at 10:30 o'clock, p.m.

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STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, May 25, 1970

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

MONDAY, MAY 25, 1970

The committee met at 3.15 o'clock p.m., in committee room one; Mr. D. A. Evans in the Chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

Mr. Chairman: The meeting is called to order. We are on votes 2209 and 2210, we will take the two of them together; the Ontario Housing Corporation.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, when we adjourned the other evening I was speaking on what I felt was a tremendous error that the Ontario Housing Corporation was making in the way of purchased land and the various land deals it entered into. I had gone into some detail in the arrangements at Bramalea. Then just as we adjourned I had begun to speak on some of the contracts that had been let by Ontario Housing Corporation over the last two years and why I was concerned Headway Corporation Limited seemed to play such a dominating role in certain areas of Ontario, and in particular in getting a number of contracts.

I know some of the members from the government side of the House said I was accusing people of being crooks and so on. Now this is not the intention at all. I know of nothing illegal, just as Bramalea was perfectly legal. What I am complaining about is that I think it is poor business on the part of the government and does not give us the proper value that we should get for the people who require housing. The same thing holds for Headway Corporation Limited. I suppose if I was in the business I could make money out of it, just like many other people who take advantage of government policies.

Interjections by an hon. member.

Mr. Trotter: Not quite that far. It depends if you are strictly interested in making money, that is what they are in there for. These firms that are in the building business are strictly there for making money.

Mr. J. W. Snow (Halton East): What about lawyers, are they not in there for making money too?

Mr. Trotter: Yes, lawyers know all about that too! But Ontario Housing Corporation is in the business of building houses to see that our people get proper shelter; and it is not only a question of the number of houses that they produce, it is the kind of housing that the people of Ontario should have.

Now I pointed out that in provision of family units in 1968, Ontario Housing Corporation had let 39 contracts, and of those 39, and they were all over Ontario excepting the Toronto region, I believe Headway Corporation got 12 out of the 39. Of the senior citizen units all over Ontario, excepting Toronto, Headway got eight contracts out of 23. For 1969 on the family units, there were 51 contracts all over Ontario excepting Toronto, and Headway got 14 of them. On the contracts let for senior citizen units in 1969, there were 41 projects all over Ontario, again excepting Toronto and nine of them went to this one company, Headway corporation.

Now Headway Corporation consists of a number of companies that were combined. A prospectus was issued back in the latter part of 1969, which is not very long ago, Mr. Chairman. And really, in this prospectus there are a couple of items that really do amaze you. In fact, in their prospectus they go into the history of Ontario Housing Corporation to a small extent. They must have been extremely optimistic that they were going to get contracts from the government before they even started.

For example, on page six of their prospectus they say: "Once the transaction involving the lands in question"; and before that they give a long list of all the properties they have—they say:

Once the transactions involving the lands in question are completed the company contemplates the construction thereon of rent-geared-to-income housing for Ontario Housing Corporation, provided of course that the government approval is obtained.

Then on page seven, for some reason under a paragraph called Rent-Geared-to-Income Housing, it touches on Ontario Housing Corporation. They say:

Ontario Housing Corporation, a crown corporation, was incorporated by the province of Ontario in 1964 for the purpose of developing and managing rent-geared-to-income student, family and senior citizen housing in Ontario.

One could not help but wonder why a crown corporation has to be mentioned in the prospectus of a private company.

Hon. S. J. Randall (Minister of Trade and Development): There is no law against it though, is there?

Mr. Trotter: There is no law—I said there is no law against all this, what I am objecting to is the policy of the government. I am not saying there is anything crooked, I am not inferring that at all.

The company was awarded its first contract for 16 family units in Ansonville, Ontario, in May, 1966. The total value of sales to Ontario Housing Corporation in that year amounted to \$237,997. In the year ending August 31, 1969, the company sales to Ontario Housing Corporation amounted to \$300,800-plus.

At present, the company is constructing or holds contracts or is completing contracts to construct a total of 1,412 family and senior citizen units in 25 municipalities in Ontario. The total value of these contracts amount to in excess of \$18 million over an 18-month period. The company anticipates that it will complete \$12 million of Ontario Housing Corporation contracts in the fiscal year ending August 31, 1970.

The provision of rent-geared-to-income housing is of critical importance to all levels of government and it is anticipated that the operations of Ontario Housing Corporation will continue on the present or an expanded scale for some years to come.

I read that from their prospectus.

I am going to centre mainly on one particular region in Ontario where this company is engaged in business and that is in the Thunder Bay area. The Headway Corporation controls, in Thunder Bay, almost all available land on which to build, plus about a five-mile circle outside Thunder Bay.

Now, I think this is highly dangerous for any community, the fact that this company has a virtual monopoly. In other words, the

various tradesmen must deal, virtually they are going to end up dealing with one company whether they are supplying bricks or mortar—in fact I believe Headway even have an insurance company in Thunder Bay at the present time.

There have been extreme examples where the value of land has gone up to a fantastic amount. For any of us who are even slightly familiar with Thunder Bay, it is hard to believe that a house now costs more in Thunder Bay than in Winnipeg, Manitoba. The example has been used before and probably will be used many times again where in a city like Saskatoon, in which the city bought up the land, it was able to develop and service the property at about \$3,500 a lot to sell to the public. Here in a place like Thunder Bay, you have one area on two particular streets where 15 years ago the land was selling for \$100 to \$200 a lot and it now sells for \$6,000 to \$8,000 a lot.

Now it is serviced land at that point, but certainly the servicing does not make up the difference—

Hon. Mr. Randall: That is not Headway's property you are talking about?

Mr. Trotter: Part of it, yes; this has happened in the whole general area!

In other words, my argument is that Headway has a throttlehold on land transactions in the Thunder Bay area and I am concerned this one single company is building in 25 other municipalities in Ontario so that the community, I would say, is going to be virtually beholden to one large company.

Now it may be, when you go into the background of this, it was inexcusable for previous councils to sell land, at \$1,200 an acre in certain instances, to Headway. It is most regrettable that, even on the local level, this happens.

What I am concerned about, and where I feel that Ontario Housing Corporation should step in, is to see to it that no company is permitted to gain a monopoly or a virtual monopoly in any particular area in Ontario. And it should also question what kind of housing these particular firms are putting up and what it is doing to the environment. I have heard a tremendous number of objections on just what has happened in the Thunder Bay area.

I will go into problems, but not in too great detail because we will be discussing these policies throughout the estimates, but I do want to present to you what I think is a basic problem.

What happened in Thunder Bay represents a basic problem. What happens, for example, when you have row housing in an area like Thunder Bay? Now I realize there is good row housing in Metropolitan Toronto, in fact if you are buying personally you can buy a good row house for as much as \$20,000 in Metropolitan Toronto, but I do not believe that row housing is what many people really want or need. If you are in an area such as the city of Toronto, row housing and these large apartments may be necessary, it depends on the area in which you are in. But it seems ridiculous to me that in an area such as Thunder Bay they use row housing when they could very easily use the single family unit.

The costs of building are just not that extreme. I realize the cost of land in some areas of Ontario—and I live in one of those areas in Metropolitan Toronto—poses an extreme problem. But what happened in Thunder Bay was not because it was so huge or because it was a great metropolitan centre, it was strictly because a large firm had gained control; and secondly, the Ontario government, because of its policies, because of always sitting back and taking a very easy attitude toward all this, let it happen.

Now if we look at Thunder Bay, I would say under the thumb of a full-blown monopoly held by a land company, we find that they are building row houses without providing the proper facilities for a proper living environment. I think the member for Ottawa West (Mr. Morrow) touched on this when he was concerned about building too many low-rental houses in one area.

There is no question that this is bad for any community. It is bad for the people who live in the low-rental units, simply because it creates a ghetto.

And this is what we are doing, Mr. Chairman, throughout Ontario, whether it be in the great cities like Metropolitan Toronto or elsewhere. We are creating ghettos, which is wrong; and in Thunder Bay, it need not have happened because there would be lots of land available if government policies in purchasing land and in holding land had proper guidelines, properly enforced.

The people in Thunder Bay were not only concerned, the people that I have talked to, about land costs. A lot of their information and source of concern comes through such agencies as the welfare department and the children's aid department. I know of a school principal deeply concerned about what is happening to children living in the row

houses in one area in what was formerly known as Fort William, the LaSalle—I was going to call it a compound, but in the LaSalle subsidized area where there are over 300 children. They were not in there six months, in an area where they never before needed a psychiatrist, but they were calling one in.

Concern reached such an extent that in what was the old Port Arthur area when they went to construct row housing they said, "We do not want row housing!" But regardless of what the people in that area wanted, Ontario Housing Corporation proceeded without really making any inquiries—

Hon. Mr. Randall: You are not blaming health problems on the housing corporation? They probably had problems long before they were given a good place to live.

Mr. R. F. Nixon (Leader of the Opposition): The OHC took away the land they used for recreation.

Hon. Mr. Randall: They had recreation room before they moved in there.

Mr. Trotter: They sold the recreation land, and I will go into that.

Hon. Mr. Randall: They got in there; the psychiatrists were not called in because they went into good houses!

Mr. Trotter: I am blaming these problems on Ontario Housing Corporation.

Hon. Mr. Randall: We do not accept them.

Mr. Trotter: Well this is your problem; this is why you are so obtuse.

Hon. Mr. Randall: No it is not.

Mr. Trotter: You are not only dealing with a shelter problem in this province, you are dealing with a social problem; if you do not have proper housing you are going to have extreme social problems. I do not care if they are welfare, if they are subject to the administration of justice, if they are mental health problems or what they are, many of them can be credited with poor housing.

Hon. Mr. Randall: You find the same thing in Rosedale.

Mr. Trotter: Well let us face it, I live in a—

Hon. Mr. Randall: Those kind of comments stop people from letting public housing into their areas.

Mr. Trotter: I am again telling you that you need public housing, but it is a question of the quality of housing and how you do it; this is a point you completely miss.

Hon. Mr. Randall: No, we have the best public housing.

Mr. Trotter: It is not enough, today, to build these huge high-rise filing cabinets and put people in them and say: "Look you have got a roof over your head and it does not leak". This is not the environment that we, as public servants, should create.

Hon. Mr. Randall: Have you seen some of our low-rise public housing?

Mr. Trotter: Yes, and you have done some good in some areas.

Hon. Mr. Randall: We have done a lot of good.

Mr. Trotter: There is no question that you have done some good, but you are not doing nearly enough. We know perfectly well that we are not meeting the housing crisis here in Metropolitan Toronto, let alone in other areas.

What I am more concerned about, when I discuss the Thunder Bay situation, is what kind of community are you creating? How are you treating the tenants?

Well now the policy of the corporation of course, at least in the Thunder Bay area, the rent-geared-to-income policy was that the houses, the row houses built there, were available to anyone, in any income bracket, who was prepared to pay the rent.

Many of us might ask how a situation like this can really benefit a community that we know, first of all, has indicated a preference for private home ownership.

Now you might say, well private home ownership is too expensive, the land is too expensive. My argument to you is that in most areas in Ontario it should not be. It may be difficult in downtown Toronto or certain areas of Toronto, but it need not be.

Anyway, you see these people caught up in a situation where they really have to have row housing because Ontario Housing Corporation says they must.

But possibly the more serious aspect is that while many citizens are being forced into rented accommodation they did not want in the first place, they apparently no longer have any say in what type of housing will be available for rent. I think this is another extremely important issue that must be dealt

with when we look at the policies in Ontario Housing Corporation.

What do the communities as a whole want? And also we must ask the people who are going to be in subsidized housing what they want! What opportunity do they have to take part in planning the community?

Hon. Mr. Randall: You recognize that when we go into a municipality with a housing project we only go in after the municipality and the council have decided they want public housing and have made a survey; and indeed they have passed a resolution and they pass on and give approval to the plans for public houses before those houses are built. They look at the density problems, they make all those decisions before we build a house.

Mr. Trotter: Well if the Ontario Housing Corporation is just going to sit back and no matter what a council says, cram people in like sardines—

Hon. Mr. Randall: You mean we should overrule the local council and tell them we are going to run the show all by ourselves?

Mr. Trotter: Well you know when you look at Bramalea and you remember that some of the people that were on that council also sold the insurance and worked for the insurance companies, I think it is always wise to ask who you are doing business with.

Hon. Mr. Randall: Yes but—

Mr. Trotter: All right. What they did in Bramalea, sure it was within the law, but when you see who is on that council and guess what happens—

Hon. Mr. Randall: That is very good housing!

Mr. Trotter: We question that. We question the whole environment that you are putting up.

But I think for those of us who have attempted to look at the housing problems in Thunder Bay, the experience has led a lot of us to look closely at rent-geared-to-income housing, being built in this case by Headway, but more particularly throughout Ontario by Ontario Housing Corporation.

Now the policy of the corporation, by that I mean the Ontario Housing Corporation, was to set up housing authorities, Fort William had a housing authority, Port Arthur had one. They were really boards, because the authorities had little or no authority, they were volunteer organizations. And one, the one

in Port Arthur, in particular, just about everybody had resigned except the chairman and one other man, who said he would resign as soon as they could get a replacement. I think they are still waiting for clarification since amalgamation, but really nothing has been done in that regard.

I think the so-called housing authorities that were set up in that area by Ontario Housing Corporation were more or less watchdogs on the manager of your housing project, to see that he collected rents and paid the bills. They operated from what was formerly Fort William and from what was formerly Port Arthur, and I really feel that authorities is a misnomer, because in fact they have little or no authority. Of course I suppose any group in these authorities have their differences of opinion, but the fact is that the authorities, even before amalgamation came through in the Thunder Bay area, seemed to completely fall apart, particularly the one in Port Arthur. And this was just on disagreements with the policy that Ontario Housing Corporation—

Hon. Mr. Randall: Do you realize that your friends just behind you to your left in the House do not agree with you. They say the housing authorities have too much power and that the power should be taken away from them and given back to the housing corporation, so there is a different viewpoint, I guess between your two parties, is there?

Mr. Trotter: Well I will let the NDP's speak for themselves.

Mr. I. Deans (Wentworth): Well we certainly appreciate that.

Hon. Mr. Randall: I just wanted to question a mis-statement here!

Mr. Trotter: What I want to emphasize is that the authorities do give an opportunity for a local community to take part in the decisions that are being made, just as I would encourage that a tenants' association should be formed in order to come to some understanding among the tenants that they do not feel that they are just pawns in the game, sitting in and dealing with the absentee landlord. Let us remember many people do regard Ontario Housing Corporation as the absentee landlord, particularly in those areas outside of Toronto.

Now I know there have been attempts—this is where I give as an example what went on in Thunder Bay, particularly in the LaSalle development, where I think the

manager is a Mr. Higgins—an attempt was made in that area to find out if the tenants would want an association or what help they might require. I will not at this moment go into a long list of the complaints the tenants had against the management. The people who did the investigating and the inquiring into this matter found that a number of tenants who had legitimate complaints were afraid to complain, simply because they were the tenants and they were afraid of the objections of the landlord. Perhaps if we get into the tenant relations with the Ontario Housing Corporation I will deal with that in more detail.

But when tenants were being chosen for, let us say, LaSalle Place in Fort William in the Thunder Bay area—we still have occasion to look at Thunder Bay as either what was Fort William or Port Arthur because in my mind's eye I can place the areas better in that way, that is why I use the term.

This is a relatively new project. It has been up now approximately two years. It shows what some of the recent policies of Ontario housing were, certainly in that area. They found, a citizens' committee that looked into this, that definite discrimination was practised when tenants were chosen to go into LaSalle Place.

Hon. Mr. Randall: There was a representative of the mayor on the board, a representative was put on the board by Central Mortgage and Housing and one by the Ontario Housing Corporation. Do you think those people were discriminatory?

Mr. Trotter: Are you asking about those on the housing authorities?

Hon. Mr. Randall: Yes.

Mr. Trotter: Well I do know that there were representatives of certain agencies, no matter who they were appointed by; I do not know which individuals were appointed by whom, to tell you the honest truth.

Hon. Mr. Randall: Well I am telling you. The mayor appoints one, central mortgage appoints another, and—

Mr. Trotter: I know they are appointed that way, but I do not know which individual was appointed by whom or whom they spoke for. I do know this, there is general dissatisfaction.

Hon. Mr. Randall: Well it was not a partisan appointment as far as we are concerned. There were three people appointed and they make the decisions on who the tenants will—

Mr. Trotter: This then would make my arguments that much stronger, if it was not partisan; I am still not sure. I know the party politics of one person and some things about one of the others, but it would emphasize my point even more strongly because they seem to be in agreement on what was wrong. They said only 20 per cent of these houses, that is of the row houses, can be rented to welfare and mother's allowance recipients. That, I think, has been the policy, in the past. Am I correct in that?

Hon. Mr. Randall: Around 20 to 25 per cent.

Mr. Trotter: Twenty to 25 per cent! And the discrimination evident in the ruling is carried further to include single parents with children as part of this minority. In other words they felt that it was not necessary for the parent to be on welfare, but if they were in the single parent category they included that as part of the 20 per cent allotted as well.

For example, a young widow or an abandoned mother with several small children may be unable to rent one of these units simply because she has no husband. Stated another way, this means that no rent-geared-to-income or low-rental housing is available to 80 per cent of the very people they were designed to benefit.

There is no ceiling on how much you can be earning in order to rent one of these units. This is what has been the policy, and what has surprised a number of people. This is so obviously wrong that recently new row housing has been built in this area, under Ontario Housing Corporation's rent-geared-to-income plan—that is in LaSalle Place, this area to which I will refer later—which is sufficiently cheap, ugly and inconvenient that no one would live there unless forced to do so by circumstances. Therefore the Ontario Housing Corporation has relaxed its 20 per cent ruling in this area creating a ghetto of single parent and welfare families and leaving this other and more lucrative project still inhabited largely by people who could have afforded unsubsidized housing.

In the rent-geared-to-income units, according to the housing authorities that I was able to contact in the Port Arthur area, welfare cases and mother's allowance recipients are not only classed in the 20 per cent group but have a separate rental scale. And this scale uses the basic maximum of \$85 per month plus \$5 for the first two children and \$5 for each additional child.

This means that the local welfare is also

being penalized by having to pay higher rent on behalf of our poor and thus will have less funds available to distribute for food and clothing.

Here is an example: A person who is looking into this, Mr. Chairman, found that a single parent with six small children was receiving a monthly welfare cheque of \$160, plus rent. She should have been paying rent of \$85, plus \$25, making a total of \$110 per month. In fact, she was paying even more than this scale indicates, because her rent was \$115. This was reported to the housing manager and after a squabble it was finally settled. I believe it is adjusted by now. But the thing is, this would not have happened if there had been the proper organization.

Hon. Mr. Randall: How long ago was that, do you know?

Mr. Trotter: They settled that, at least they were in the process of settling it, about the early part of March. One instance of the lack of co-operation in dealing with Ontario Housing Corporation managers was the refusal to give a copy of the rent scales. We were puzzled—that is the note I have here—by the following figures that came from tenants as reported on their survey sheets. This is, again, taken from the LaSalle area.

This would seem to indicate, among other things, that in this area at least welfare recipients are paying a flat rate of \$105.

I am not going to go into the 21 rentals that I have here to various tenants, but there is one thing that did surprise me. I know the system is under review and has recently been changed, but here is an individual, a man who is married with five children—there were seven in the family. His total income was \$300 per month. His rent was \$142, and to me this seems out of the way. It may be correct to your scale; I rather doubt it. There is certainly—

Hon. Mr. Randall: But if he is on geared-to-income he would not be paying \$142.

Mr. Trotter: Well that is what they have him down for. Would that be right? But that is what he is paying.

Mrs. B. Meredith (Ontario Housing Corporation): We would like to look up the individual cases.

Mr. Trotter: I have 21 cases here. Some of them are correct. Some of them seem to be way out.

Hon. Mr. Randall: You let us have it; we will check into it and I can show you—

Mr. Trotter: This is what goes on and this deals with tenant relations. It all ties in. I seem for the moment to have wandered away from the Headway corporation, but I want to tie these ends together to illustrate my point.

I am trying to show the type of housing we get. This also affects your tenant relations, and this is an example. Again I can verify very thoroughly that tenants in the Thunder Bay area who are in Ontario Housing Corporation housing units—and this particularly deals with LaSalle Place—cannot have a relative live with them. This means—and I think this is general, I found this in Toronto as well—that widows and abandoned wives with children can never get back to work because they cannot afford to have babysitters and cannot have a mother or sister or someone like that live with them. Is the Ontario Housing Corporation trying to keep these women in their homes? This is the question I am asked—

Mr. Snow: Where do you get this information?

Mr. Trotter: A group of people got together in Port Arthur and—

Mr. Snow: You are saying things that are not right at all.

Mr. Trotter: Yes I am. It has been checked out.

Mr. Snow: No relatives living with them!

Mr. Trotter: Absolutely correct; and there are cases—and I will be fair with Ontario Housing Corporation—where this could be justified. I want to give you examples where it is not.

I know a place up on Davenport where they have relaxed a bit, but they even had a curfew. So that it does vary in some places according to the local manager.

But I think that basically, Ontario Housing Corporation is responsible for the relationships with the tenants. What I am concerned with—and I think we must emphasize this again and again—is that we are creating, in many respects, ghettos. We live in a free enterprise economy where we believe in the freedom of choice; and there is very little freedom of choice. What does a woman do when she has kids and no place to go? You would be glad to get Ontario housing. I phone up and I am glad to get these people in because they have no place to go. But

simply because they are in a weak bargaining position we must be very careful we do not turn a good part of our community into mere pawns. They are entitled to equal opportunity but I do not feel that they are getting that.

I mentioned that they are not allowed to have relatives to live with them. In other words, if a younger woman could go to work, she cannot have her mother stay and look after the kids.

Mr. Snow: That is not true.

Mr. Trotter: Well, I know a place that does—

Mr. Snow: Not true at all, not true.

Mr. Trotter: Well, I know the minister is not that anxious to deny that.

Mr. Snow: He will have his say.

Hon. Mr. Randall: I said that a little while ago, I just like to keep on talking.

Mr. Trotter: Well, all right!

Hon. Mr. Randall: I think we announced in the House the other day that there was to be a new rent scale. The federal authorities came out with an announcement the other day by Mr. Andras. Now the income can be increased by \$900 for a working mother so that she can have more income without being penalized.

Mr. Trotter: Yes, the working mother can earn what, up to \$900 now without being penalized? It used to be \$250.

Mr. V. M. Singer (Downsview): \$250 now!

An hon. member: \$900 now!

Mr. Trotter: It was \$250 but it is going to \$900.

Interjections by hon. members.

Mr. Trotter: All right, the working mother—

Interjections by hon. members.

Hon. Mr. Randall: I am not complaining. I said we have been after this for a year and we finally got it. We are putting it into effect as soon as we can.

Mr. Trotter: The working mother can now earn up to \$900. My concern at this point is that, assume the woman has been deserted and it is not a question of her working, it is a question that she wanted to bring her

own mother in to live with her to look after the children and then maybe go to work. Some managers certainly will not allow the mother to come and live in. Whether this is the case in every building that is put up, I do not know. I know some in Toronto where this is the case.

Interjections by hon. members.

Mr. Trotter: I am not saying that the mother now cannot go out and work assuming you pass new regulations. I am talking about the deserted wife. And this is important because there are so many widowed and abandoned wives. I think we could bear this in mind and this is the policy now. I am thinking specifically of LaSalle Place in Fort William. The widowed and abandoned wife who would like to get into the rent-geared-to-income housing is often unable to do so because, as part of the 20 per cent that suffer discrimination, there are few houses available to her. It would appear that in some cases at least she also suffers because her rent is being raised above the normal amount tenants have to pay, apparently in order to ensure that she remains excluded. That is why I have this list of 21 and I want to have you look into it. This will be all for the better.

Tenants have to notify their managers and ask permission to have a relative or friend come and visit for a few days. This includes their parents and children who are not dependent on them. Notice the report received, which I will give to you here, from a girl who had just returned from hospital.

Under the Ontario Housing Corporation rules these Canadian citizens are without their freedom. I think that is quite direct. How would we like it if those of us who live in apartments under the normal free enterprise system, had to call the superintendent before having people come to visit us for a couple of days? I am sure we do not call the superintendent!

Hon. Mr. Randall: I just want to stop you for a moment. Are you aware of how many freeloaders move in on these people once they get on welfare and get free housing?

Mr. Trotter: No, I am not.

Hon. Mr. Randall: You should talk to some of our social workers and find out what happens in public housing—how many freeloaders move in to take advantage of your dollars and somebody else's dollars. If we do not have some kind of a check you will get a

good many more who will take advantage of welfare dollars to live off these people.

Mr. Trotter: You are making an iron rule for—

Hon. Mr. Randall: No, we are not making an iron rule.

Mr. Trotter: —for everyone. It is quite true we hear so often today of people who are living off welfare and drinking beer and finding fault, but I think if you—

Hon. Mr. Randall: I did not say that. Let us clear this up. I did not say that. I said that the people on welfare have a lot of freeloaders move in with them and that is why they are policed.

Mr. Trotter: I think The Department of Social and Family Services will tell you that about two per cent of the people on welfare are freeloaders.

I once made a speech—

Hon. Mr. Randall: I am not talking about people on welfare. I am talking about the people that move in and take advantage—the freeloaders.

Mr. Trotter: They are almost on the same line.

Hon. Mr. Randall: No they are not. I know a lot of single guys who drive cars and they find a girl up in a development apartment and they move in for the weekend. The car is parked out on the street. Somebody says, "Who owns the car?" She says, "Well, it is the boyfriend." "Well what does he contribute to the family?" "Well, he is only here over the weekend. He is gone the first of the week."

Now we have to protect these people. There are a lot of people who need protecting, as I am telling you.

Mr. Trotter: Maybe the tenant wanted the fellow there for the weekend.

An hon. member: Call the cops.

Hon. Mr. Randall: You try and call the cops. Try and find the cops.

Mr. Trotter: Well, I do not know, you sound awfully like George Orwell's Big Brother in 1984.

This is another thing pointing to the type of housing they get. This is the new row housing in Thunder Bay. The new row housing is all jammed together, with no

decent space left for a garden or children to play in, in spite of the fact that neither lack of space nor cost of land were any problem. This is what I want to underline. Here in this particular area, in Thunder Bay, to begin with they had lots of space and there was property that even the city could sell. Headway's cost was \$1,200 an acre. And yet here they are with little or no recreation area. The single unit dwellings and duplexes that do have back yards are sodded.

Mr. Nixon: Did you say the OHC actually sold some of that land?

Mr. Trotter: No, the city did.

Hon. Mr. Randall: Do not help him, he is doing all right.

Mr. Chairman: The hon. member for Parkdale has the floor.

Mr. Trotter: But Ontario Housing has really been a good bankroll here. The single dwelling units and duplexes that have backyards have been sodded. A low-income family with quite a few children could well profit from a vegetable garden and many express a desire for this, but they were not permitted to dig up the backyard. Now when I say that, we do not intend that the people just dig up the backyard for the sake of digging it.

Hon. Mr. Randall: You could convince an old friend!

Mr. Trotter: But suppose they did want to have a garden. This is just not allowed. I know of instances where, in Metropolitan Toronto, some of the sod for these units has been supplied to the individuals, and by and large what I have heard of it, they have done a good job in keeping up the place. My own belief is that, despite the extreme cases that you get in public housing—and I as a politician hear about them—you get a good type of person. This is the vast majority of them, and I am concerned with the vast majority.

At LaSalle Place in Thunder Bay south a real ghetto has been created because of the row housing. The regulations are bureaucratic. For example, guests must leave by 11 p.m. Sounds like the air force! There is no bus service on Sundays and since this is an out-of-the-way area, parents and children cannot attend church. There are no stores close by. There are no laundry facilities. Headway owns the land right up to the

buildings. No space has been reserved for recreation, and there is a high density of children living there. There are about 350 children.

This is the type of thing that the government must watch. You have got a company here which owns the land, that is, they wish to supply the facilities and they could have, but they have not done so. There are no stores. There are no churches. Most of these people do not have cars and there is no bus service on Sunday so that you have created a ghetto.

I was surprised to learn that there were not even any laundry facilities on the project.

Hon. Mr. Randall: How do you build these houses on Main Street—if you cannot find a place to build them on?

Mr. Trotter: You can easily create a community today—particularly where your land is relatively cheap. There are many smaller-sized apartments with a tuck shop in them; they have laundry facilities; they are near churches.

In Thunder Bay there are plenty of opportunities for development in that area.

Hon. Mr. Randall: You are aware that until two weeks ago the federal government would not spend one dime on recreational facilities or commercial facilities in the development until Mr. Andras—

Mr. Trotter: So what!

Hon. Mr. Randall: —taking out recommendations, changed the regulations and we can now allot a certain amount of space on a federal-provincial partnership for these things you talk about.

Mr. Trotter: So what?

Hon. Mr. Randall: Do not say, "So what", I am answering you.

Mr. Trotter: Look, you have your responsibilities!

Hon. Mr. Randall: We realize them.

Mr. Trotter: I am well aware that the federal government spends a subsidy of over \$5 per person on railway subsidies and 65 cents on housing. I do not think that that is enough, and I am not here to make excuses for them, but what I am saying is that it is your responsibility. In fact, we talk so often about our constitution and how important it is that Ontario keep its rights. This is your

constitutional responsibility. You cannot have it two ways, and this is what you are trying to do.

Hon. Mr. Randall: You mean if we could afford the 90 per cent and they will not give it to us when we put a commercial establishment or a community centre in, we should just go ahead and do it anyway.

Mr. Trotter: I think it is a mere pittance, what this wealthy province has put into housing.

Hon. Mr. Randall: Oh yeah!

Mr. Trotter: After all, no matter what the faults of the federal government are, you would have had hardly any housing if it had not been for the federal government.

Hon. Mr. Randall: What do you mean? You would have not had any housing if it had not been for us. All they ever did was assist in the banking.

Mr. Trotter: Even these huge plans you are always announcing, 90 per cent of it is the federal tab.

Hon. Mr. Randall: And they get it back with interest just like the Bank of Commerce.

Mr. Singer: The one in your own riding was announced on the eve of the last election.

Hon. Mr. Randall: And they get it back with interest just like the Bank of Commerce.

Mr. Trotter: Yes, it may well be.

Hon. Mr. Randall: The one in my own riding, for your information, my friend, was fully paid for by the province of Ontario.

Mr. Trotter: It is up to you to see that we get—

Hon. Mr. Randall: Because the federal government would not go along. We went without them when they would not give us an answer.

Mr. Chairman: The hon. member for Parkdale has the floor.

Mr. Trotter: I may point out that it was found in investigation of what went up at LaSalle Place that the building has been so poorly built and many tenants complain about the noise.

Hon. Mr. Randall: It was built to NHA standards.

Mr. Trotter: Well, you may say there are lots of kids—

Hon. Mr. Randall: It was built to NHA standards.

Mr. Trotter: Well, your standards evidently are just not good enough or your inspectors did not see it, but it makes these units most unsatisfactory. But the main thing wrong with this is that psychologically it is bad for the children—and this is where you are falling down, on the quality of living that we should be able to give the people in this province.

I had mentioned that some of the land had been sold. In fact I think it was in this very area in LaSalle. When this study was made of the LaSalle area we found that the land was sold by the city for \$1,200 to \$1,300 an acre. This is why I am amazed that no proper recreation facilities were made available, because certainly you cannot complain about the cost of land there.

Now when the LaSalle project seemed to have so many problems and they knew that a psychiatrist had been called in to help the children within six months of it being set up, the people in Port Arthur who were going to get a public housing project were deeply concerned. They protested and they wrote letters saying that they did not want row housing.

Hon. Mr. Randall: Let me just stop you for a minute. Are you saying that they moved in and in six months all these problems had developed and we had to call in the psychiatrist?

Mr. Trotter: Yes.

Hon. Mr. Randall: They did not have a problem before that?

Mr. Trotter: Heaven knows what problems they had before, except you concentrated it.

Hon. Mr. Randall: We brought them together so we could help them.

Mr. Trotter: Well you certainly did nothing to help solve their problems.

Hon. Mr. Randall: You cannot do it in six months.

Mr. Trotter: In fact, this is why there were so many resignations from the Port Arthur Housing Authority. They protested row housing and then the Ontario Housing Corporation people came down to discuss the matter with them. I am informed that a Mr. Pullen of Ontario Housing Corporation arrived in Port Arthur, or was in Port Arthur with all his

plans, and the people in Port Arthur found that it was a foregone conclusion that row housing was going in regardless of what thoughts the people in Port Arthur might have and even the people appointed by Ontario Housing Corporation might have; they were completely disregarded. As someone in public life, I may ask why were the people in Port Arthur not listened to, whether they were on the authority or not? For in spite of their efforts to prevent row housing in Port Arthur, the Ontario Housing Corporation arranged with—and there it is again—Headway Corporation, to commence construction of this type of housing in the John Street area of Port Arthur.

Already among prospective tenants, I think, there was some reluctance to go there; but there was no question but that it would be occupied easily, simply because—at least in my mind it would be easily occupied—the demand for housing is tremendous. But again, I think the system that they have created there is going to be creating a ghetto.

I believe, Mr. Chairman, from the information I have, that there has been a general feeling expressed by citizens who have voluntarily served on the Port Arthur Housing Authority of frustration and outrage. And I do not wonder, because they have been completely disregarded in any of the ideas they had to suggest, and they were deeply concerned because the rent-geared-to-income units in Port Arthur have now been increased by 100 per cent, and the entire 100 per cent increase has been in the row housing. All the same kind; all jammed into a ghetto the same as LaSalle.

Now the accelerating pace of rental units to absentee landlords—namely, Ontario Housing Corporation—makes all of us, I think, deeply concerned for the social implications that rental housing can have. And I wonder if we are creating the gigantic slums of tomorrow that some other government is going to have to solve, because this Ontario Housing Corporation has a bureaucratic attitude of forcing citizens into the type of housing that is very unsuitable. I can only emphasize that these people are caught within a vise, with a large corporation like Headway Corporation, on the one hand, in essence controlling available land and certainly having the ear of Ontario Housing Corporation; and on the other hand the Ontario Housing Corporation which is listening to the large landowner, not to the tenant or the people who are interested in upholding the tenants' cause.

Hon. Mr. Randall: How can we listen to him until he becomes a tenant? By that time he is already in the house that is built.

Mr. Trotter: Well these housing authorities had gone about first to see what had happened at LaSalle in Fort William. They went around and talked to the tenants—I can give you a list of what they said—and then they realized what was wrong with LaSalle Place in the old Fort William area. So they said, "Please do not put up row housing in Port Arthur." But they were completely disregarded. And it is not only not listening to the tenants, neither is it listening to the children's aid, the welfare and, as I mentioned before, the school principal who would like to tell you what it does to an area. Again I emphasize, we need in this province, and in this country, subsidized housing, but also the quality of housing; what you do, how you are going to treat the people who are in the houses is important. And this is the thing that the minister is not facing up to at all, because these complaints are general. It is not just the very few that cause a lot of trouble, but it is the vast majority I am concerned with.

If you are going to stick to row housing and the type of housing that they have put up in Thunder Bay, you are going to have nothing but monotonous, unimaginative houses and housing at an inflated price. If they are only going to be built by one company, what is the competition? In fact, how can any company, without sufficient capital and almost as big as Headway, move in to compete with Headway? This one company has simply become too large.

Mr. Chairman, I am not going to dwell any more at the moment on the Thunder Bay situation. I seized upon it, more or less as an example of what I think is going on in Metropolitan Toronto; I think it is going on in many communities in Ontario, and I knew that this one in Thunder Bay had been well researched by people who had a great deal of experience in this. I accept what they have found because it answers so many things that I have found in the Toronto area and from other complaints in other areas.

It is most regrettable, Mr. Chairman, that we never did follow through on one suggestion made by the former minister, Mr. Macaulay. He came up with the idea of using rent certificates and having people spread out in the community so that the general populace did not know if they were in a rental housing home or not.

Hon. Mr. Randall: You are aware what happened, are you not?

Mr. Trotter: Oh, I know; you blame the federal government.

Hon. Mr. Randall: No, I do not blame the federal government; I blame the landlord. Once the lease ran out, the landlord found he had a sugar daddy, he doubled the rent. The only way you could protect yourself was to buy the individual unit at the price he wanted to sell at.

Mr. Trotter: Well the Ontario Housing Corporation might know how the average person feels now when he is arbitrarily told by the landlord that their rent is going up \$25 a month. This has been going on all over the province. Unfortunately, government has just sat and let it happen.

Hon. Mr. Randall: The federal government, you mean.

Mr. Trotter: You are sitting and letting it happen; it is your responsibility.

Hon. Mr. Randall: We are the only ones who are making a contribution to low-income people and modest-income people in the province today.

Mr. Trotter: The only ones?

Hon. Mr. Randall: Yes, we are the only ones.

Mr. Trotter: Well, let us face it, this is your responsibility.

Hon. Mr. Randall: We accept the responsibility.

Mr. Trotter: And you are not matching up to the demands?

Hon. Mr. Randall: We are accepting it; we are doing it.

Mr. Trotter: Well, what do you mean when we read these headlines so recently about housing being down 90 per cent in Toronto and down 70 per cent in the province of Ontario?

Hon. Mr. Randall: Are you blaming that on the province, when the private landlords and the private builder cannot get mortgage money? Do you blame all that on the province? We are the only ones who are building houses under these conditions.

Mr. Trotter: Why you sit back and you say you could not carry out the rent certificate

programme simply because the landlord doubled the rent on you.

Hon. Mr. Randall: That is right.

Mr. Trotter: You just sit there like a bump on a log and say, the landlord is doing this and then we throw the whole system on them—

Hon. Mr. Randall: No, you sit there like a bump on a log and make a lot of asinine statements.

Mr. Trotter: I am pretty sure you are pretty dead on it.

Hon. Mr. Randall: They are asinine statements.

Mr. J. E. Bullbrook (Sarnia): You should not make statements like that.

Hon. Mr. Randall: Sit down and shut up.

Mr. Bullbrook: I will not sit down and shut up.

Hon. Mr. Randall: Sit down and shut up.

Mr. Bullbrook: I rise on a point of order, Mr. Chairman.

Hon. Mr. Randall: Well, rise on a point of order.

Mr. Bullbrook: Why do you permit that man to make statements like that?

Hon. Mr. Randall: Because I am the man who is—

Mr. Bullbrook: You are the Chairman here and he invites—you see, I sat in here last week—

Hon. Mr. Randall: Good for you.

Mr. Bullbrook: I rise on this point of order, and say the abuse of our legislative process by this minister—

Hon. Mr. Randall: Oh, cut it out!

Mr. Bullbrook: —by that minister and the way he acts, surely, you as a Chairman of this committee can tell him how to act and not use phrases like that.

Hon. Mr. Randall: We do not need that legal advice from you.

Mr. Chairman: I must say, that in here last week, all the time, there were quite a few insults coming from your party, too.

Mr. Bullbrook: I am not arguing about that. I am not talking about that. I am suggesting

that as a minister of the Crown he should conduct himself in a way that does not invite that type of response.

Hon. Mr. Randall: Then why do you not do the same thing yourself?

Mr. Bullbrook: I do not talk that way. You see, I do not talk that way; that is the difference between you and me.

Hon. Mr. Randall: You think you do not.

Mr. Trotter: Mr. Chairman, we have been throwing facts at this minister. I think the facts that I have thrown at him are indisputable. We are deeply concerned in the Liberal Party, and I think the populace as a whole are deeply concerned, with what is happening with our housing programme.

As I mentioned the other evening, I am concerned with what has happened at Bramalea. I think what has happened in Thunder Bay is another example.

You only have to read the front page of the *Globe and Mail* last Saturday. A reporter went into some detail of the costs of housing in the Glen Chapel area where we as a government seem to sit back helplessly and do very little, really, to solve a major housing programme or a major housing need.

In conclusion, I want to emphasize that the government simply must assemble land itself; you cannot leave this up to Headway Corporation to us its own profit motive schemes. I admit they are in business to make money, I know Mr. Armstrong and Mr. Taylor, the gold-dust twins of Bramalea, make no bones about it, and that is their business. But it is your business, it is the business of this province, to see to it that people are supplied with decent housing at a price they can pay. Surely it can be done?

The cost of land is not the whole answer, but certainly if government would assemble land on its own, it could pick up this property in Thunder Bay at \$1,200 an acre just as easily as Headway could. This is the thing that shocks and startles me; that a private company can do a thing like this, or that Bramalea can make nearly \$52,000 an acre profit.

This just is not right and, really, they are doing it with the blessing and really with the help of Ontario Housing Corporation. You are not living up to what you are supposed to be doing.

In the estimates, as these continue, we will go into greater detail of where there are many errors, or sins of commission and omission, on the part of this government.

Hon. Mr. Randall: We will be delighted to hear from you.

Mr. Trotter: And you most certainly will.

Hon. Mr. Randall: We hope you will accept the facts when they are presented to you.

Mr. Chairman: The hon. member for Wentworth.

Mr. Deans: Thank you, Mr. Chairman. I do not want to talk about the general operation as such. I want to zero in on one particular problem in the Ontario Housing Corporation.

Just prior to the 1967 general election, in fact on the eve of the 1967 general election, the Minister of Trade and Development announced the grandiose plan of the housing development for the Saltfleet mountain. At that time it was called the "Satellite City". We seem to have dumped that phrase and we are now calling it a community development.

At that time I pressed him, and from the time I was elected, until recently, I pressed the minister continuously to find out what was paid for the land that was purchased particularly, because I felt that the number of companies that had been involved in the development prior to the Ontario Housing Corporation finally purchasing it would lead me to believe that the price had become grossly inflated over the two or three years from the time that Kronas Real Estate first started assembling the land until it passed through the hands of some company called John Anco, which I am not familiar with, and then subsequently into the hands of the Ontario Housing Corporation.

Anyhow, recently, within the last six or seven weeks, the Saltfleet community development plan was made public. I must confess that I am very disturbed by one feature of it and I raised it in the House today. I want to find out from the minister what kind of logic it is that does not see far enough into the future to recognize the difficulties that are going to be encountered by the people who are going to live in that community if the quarries that presently are in existence and are likely to be in existence, as I understand, for about 20 years, are permitted to be maintained.

The minister indicated today in the House that there was going to be some kind of greenbelt established between the residences and the quarrying operations. The plans as

I see them—and I have them in front of me—do not indicate anything of the sort. In fact, they indicate that the very first phase of the development, that phase that is under the control directly of Ontario Housing Corporation, which has, I do not know, 1,000 acres or more, is going to be directly across the street from the existing quarrying operation and well within the distance necessary, whether you plant a few trees or not, to make the quarry, including the blasting and the dust, a nuisance and a hazard to the people who are going to live there.

If you have it in front of you—and I do not know if you do—but if you happen to have the development with you, you would recognize on plate 23 that it shows quite clearly that there are going to be single-family and perhaps joined, multiple-family dwellings on two sides of the triangle surrounding this quarry. There is also going to be a high school within 200 or 300 feet of the permissible quarrying area. It just does not make any sense at this point, as far as I am concerned. I am inclined to feel that Ontario Housing, before buying it, should have recognized that if this quarry is going to be maintained and continued in operation for the next approximately 20 years—they tell me that is how long it will last, I do not know—then it does not want to be faced with nothing but heartache for that length of time. It would be cheaper now to try to phase out the operation and eliminate it from productivity, than to sit from now until the year 2000 perhaps, with people having purchased homes and being subjected to what is really an obnoxious industry right in the centre.

The quarry is owned by Cope Construction and the city of Hamilton has had its belly full of Cope before. Cope owned a piping operation on Lawrence Road in the city of Hamilton, and the city for years has been battling with them to try to get it moved. I can just imagine what is going to happen when there are 80,000 people living in this planned community with Cope still carrying on their operation as a quarry and carrying on their operation as a pipe-making concern—and that is what they are now doing—right smack dab in the centre of the community.

I cannot for the life of me understand how the Ontario Housing Corporation could plan to develop this kind of a plan with, as I say, an obnoxious type of industry in the middle. It is stated quite clearly that the community was supposed to be a residential community, that there was not going to be any industrial development in the area, that the employment opportunities would be located in the city

of Hamilton and in the Saltfleet region below the escarpment area that is an industrial park.

Anyone who has looked ahead would recognize the problems we are going to face, and they are going to be fantastic. We are going to be faced with this on a day-to-day basis. Whether or not I am still here when that happens is really immaterial, but I dread the thought of being the person who has to represent the people who are going to be faced with this quarrying operation about 300 feet away from the doorstep. And under the present legislation that is what will be permitted.

It just makes no sense, and I hope that during the course of the minister's answer he can assure me that steps are being taken to eliminate this entirely. Not as it is phased out by the company involved, but that it will be phased out on a planned basis prior to the residential development actually taking place.

Now the other problem that arises from the development of an 80,000 population community is that the township of Saltfleet has over the last three or four years been able to bring about some kind of balance between their residential and industrial assessments. They have been able, in the last two or three years, to bring into proper balance the moneys that can be raised from industrial assessment *vis-à-vis* the moneys that are raised from residential assessment. It appears to me that by placing this community there without giving any consideration for providing moneys to Saltfleet township to further encourage development in their industrial park can only prove to be a pitfall or will bring about the downfall of Saltfleet township's financial viability.

Now what Saltfleet really needs in this instance is a commitment—they may not have asked for it but in my view they need a commitment—a commitment from Ontario housing, actually from the Ontario Development Corporation or perhaps from The Department of Municipal Affairs, but from the government at least that there will be moneys made available to them in order that they can develop the industrial park in a way that will maintain the balance that they have sought for so long and finally achieved. If you permit 80,000 people to suddenly arrive in the middle of the township it is quite obvious that they are just not going to be able to cope financially with the problems that will be brought about by that kind of development.

And you are also putting a tremendous burden on the industrial development in the

city of Hamilton, because not only is this development taking place in Hamilton but on Hamilton Mountain there is development that will also provide for some 80,000 or 100,000 additional persons over the next 20 years. Industry in Hamilton is having a tough enough time, at least at this particular juncture, to provide employment for people; we have to be very sure that we do not overburden the area.

Now I am not opposed to the development, I want to make that quite clear; but what I do want to see is that the development be considered in its entirety and not be sort of compartmentalized; that we talk about providing housing on the one hand without giving consideration for the difficulties that this township is going to face in making sure that it can afford to provide all of the necessary services for the other people in the township, and that its money is not going to be drained to meet commitments to the new people in this setting.

I do not want, you know, to sort of go on and on indefinitely in this. I would still like to know from the minister the cost of purchasing the 1,600 acres that have been purchased by Ontario Housing Corporation for this development. I think at this point there can be no harm come from it, and I suggest that it would be useful to get an idea in terms of what it is going to cost for the future development of the entire section. I would like to know whether there is any programme of phasing out this quarrying operation. It makes little sense to me. No one would plan a city and plan it around a quarry, you know; no one that I have ever heard of would plan a city around a quarry that is in operation and likely to be in operation for 20 years. Third, what plans are underway, in terms of the government as a whole, to make sure that this operation and the development of this area does not overburden the residential taxpayers of the community as a whole, that there will be moneys available for the township council to encourage the industrial development that will be necessary to provide employment for these people.

And finally, what in heaven's name commitment has been made in regard to the freeways that are presently shown on the development maps and that are in actual fact, in my view and from speaking to counsellors and speaking to municipal officials in Hamilton, that are not really even in the planning stage as yet? Just to indicate what I mean by that, No. 53 freeway, for example, in the city of Hamilton which we were

counting on, to some extent, to provide the east-west major route, the city of Hamilton at the present time is not contemplating it. The Department of Highways indicated to me less than a year ago that they had no say in it at all and that they were not in any way really seriously considering its development, that it was a long term project likely to take place sometime in the obscure future. And yet it shows here; and it even shows the projected traffic pattern and how it is intended the people will be moved from this section, without any real firm commitment as to whether or not it will ever take place. These things are quite worrying, because I can imagine, once two of the stages of this development have taken place, the Highway 20 and Monk Street to Albion Falls, down the Albion Road will become so clogged with traffic that the cost of relieving it will have to be borne at least partly by the town of Stoney Creek and partly by the city of Hamilton; and perhaps even partly by the township itself.

The plan, though, it is very fine in its concept, the overall programme that is laid out looks very nice. But there are so many problems that can be seen when you view it that it becomes almost unbelievable that you could even begin it in 1970 as is proposed.

The first stage is supposed to be underway in 1970. I cannot see, having studied it fairly thoroughly, how it would be possible to even contemplate this being underway within the next two years. There is so much red tape and so much planning and zoning, and permission has to be granted in so many areas, that I do not see how it is going to take place within two years.

Yet it was stated, and the deputy minister was at the meeting, that it was proposed to start within this current year. I do not see it happening.

There was another matter raised, and I think—

Hon. Mr. Randall: I just want to assure you that every piece of land we have ever bought we have run into the same problems; you are not presenting any different problems. No matter where you buy a piece of land you are going to run into all the objections as to why you cannot go ahead. If you listen to the objections you would never buy a piece of land.

My friend here on the right just thought we should be out buying land, but no matter where we go to buy land, I do not care where it is, we get a thousand reasons why

we cannot proceed and why we should not buy it in that particular area. There is nothing new, I do not think, in the housing field. No matter where you go to build houses today, for modest-income people, there are a million reasons why you cannot get underway.

Mr. Deans: This may well be true. I hope that the minister does not consider the objections I am raising as good ones—

Hon. Mr. Randall: I am just suggesting that not only in Saltfleet but in Malvern, you name it, anywhere else, you get the same problem.

Mr. Deans: Well I just want to raise one small matter. A matter that was expressed very clearly at the meeting that I attended was a very definite concern over the movement of cemeteries in the area. I raised it with the minister prior to the meeting and the indication at that time by the conversation we had was that they were going to be moved. It appears now that there is another view being put forward. I did not enter into the discussion at the meeting because of the discussion that we had had previously. I did not want to make it appear that I was trying to say that the minister says something different, but I would like it cleared up. Exactly what is the intention with regard to these particular properties?

I would like to stop there to get some answers and perhaps pursue it.

Hon. Mr. Randall: All right; perhaps Mr. Goyette will take care of your questions. I have a call here, I will be back in a second. He will answer for you.

Mr. P. R. Goyette (Ontario Housing Corporation): Fine, Mr. Chairman. I know the member is very well informed on the Saltfleet plan and so I do not know if it is useful to go into too much detail, but you could stop me if you do not think I am going far enough.

Certainly we are part of the 3,000 acres, we own 1,600 acres; but the quarry is not part of our holdings. There is no doubt in our minds that the quarry does not help us in this kind of development and we will do all we can to alleviate the problem it creates.

It is my personal opinion that the presence of the Ontario Housing Corporation in that area will probably improve the situation with regard to any difficulty which the quarry may bring up. Otherwise it might have

gone on on a piecemeal basis making this a rather difficult area.

Now what will happen to that quarry in 20 years, not too many of us in this room will really ever know. At the moment, we are not purchasing it because the cost of that quarry, which is a business enterprise, I am sure would probably put the land cost beyond our capacity.

Several things might happen. It might well be that the extension of the quarry might not continue, if, indeed, the present owners feel that the value of that land may be more as residential land with a high density population rather than as a quarrying operation.

I think this is something we will have to get to as we move along. The quarry is outside our land. To the extent that we have influence on the official plan, you have properly said that we have done what we could to create some buffer zones, and we think that will be more of a zone than there otherwise would have been. We are giving up some open space around that area.

Another point I think you made was the question of the location of that quarry in terms of the first area of our development. The first part of the development, I think, will really take place south of Mud Street. If we can get together, between Mt. Albion and Second, whereas the quarry is actually north, is it not, of Mud Street.

I drove by it the other night, and it is not right on Mud Street—

Mr. Deans: No, but all of the quarrying land runs right to Mud Street.

Can I answer something for you there? The first stage of the operation actually is, as you say, south of Mud Street, abutting Mud Street on the southerly side and almost all the way from Highway 20. It goes to Second Road, which is opposite the quarry at that point.

Mr. Goyette: Yes, about half way.

Mr. Deans: The problem that has been raised with me is that the residents of Leckie Park, if you are familiar with that area, they inform me that even now the blasting from the quarry causes damage, and they are at least three-quarters of a mile away, probably a little over a mile. Yet you are going to be building within 300 feet of the same quarrying operation.

Mr. Goyette: Well it is very difficult right now to be specific. As a person that is

involved in this and with our other colleagues, we certainly hope we can do something.

Mr. Deans: What happens if you cannot?

Mr. Goyette: Well, there are lots of ifs in the world. What if—

Mr. Deans: But there is no indication that you can.

Mr. Goyette: As you said earlier, the problems and the complexities of putting all this together are immense; we will get it together.

The other thing we must remember too—and that is why it is difficult to be precise with you—is that we are still only at the official planned amendment stage and we have been looking at the 3,000 acres, of which we have the 1,600. As you know, there will be further steps as we move in to what are known as the secondary plans and subsequently into the registered plans.

As we move along there we still have to go to the council, the planning board, the OMB and we will be like any other developer in moving along.

The other thing, too, you have to take into perspective—and it is not really within my competence to parry with needles in this verbal embroidery game—we are talking about 75,000 people, so that the quarry is really only a part of that total complex. I suppose you will come back to me and say, "well, that is fine, but what about the 20 people that are near the quarry?"

Mr. Deans: Oh not 20 people. Oh, heavens no.

You are talking about people who will be directly abutting it for an excess of one mile on Mud Street and at least a mile and a half on the other—the hypotenuse of the triangle.

Mr. Goyette: I think I will now go back, if I may, to my opening sentence, that I recognize, as do our colleagues, the existence of a quarry in a piece of land does not make our development any easier. We will do what we can when the time comes to it. The quarry is there, Mud Street is there, development would have taken place and so it would have been a problem, no matter who would have had the land.

Mr. Deans: I suggest to you, first of all, that the time has come that we talk about planning and not being caught with the same problems that other people have met. We continually talk about planning for the future and not being caught up in the same difficulties that we have been caught up in in years

gone by. We are always saying that when we plan communities, if we are going to plan right from the ground up, that we should make sure we do not make the kind of mistakes that have been made over the last umpteen years because of inadequate planning, or lack of it altogether.

What you are doing is saying to me that you hope that nothing untoward will take place. You hope it will not be obnoxious, and if it is, you will do what you can, when it becomes obnoxious, to eliminate it.

I assure you it will be obnoxious. I guarantee it; I will bet you a year's salary it becomes obnoxious.

Mr. Goyette: I know that a quarry is obnoxious. We realize this. The question has been brought up and this is one of the steps you take along the way—I think this is something you resolve one way or another. And, my friend, if we do not get at it, we are going to hear from a lot of people.

I wonder if I could make just a couple more comments, Mr. Chairman, without imposing on the committee's time too much.

I guess you had another couple of questions about a start. It is a question of what is the definition of a start.

Mr. Deans: When are you going to dig holes for houses?

Mr. Goyette: We are going to be digging a hole for sewers, which must be put in before you dig holes for houses.

Mr. Deans: Is the agreement signed?

Mr. Goyette: The main trunk sewer is the starting point. It comes over the brow of the mountain. We had some general agreement—on the agreement we are talking about.

The situation we were at was the question of getting the funds approved for about \$1.5 million that is required. That was involved with both the provincial government and the federal government, and the federal government approval has just recently been going through.

We had our open meeting. We will be meeting with the two councils to sign our agreement.

Mr. Deans: In other words, there is now agreement between Saltfleet and the city of Hamilton, which is where I understood in the House, from questions that I asked, the problem lay—that Saltfleet and the city of Hamilton had not yet come to an agreement on the providing of the services.

Mr. Goyette: Fine. There is nothing inconsistent with that statement. That is the position we are at. We are just on the verge.

Mr. Deans: Has it changed?

Mr. Goyette: We are bringing the two together. It also involved, in our discussions with the city of Hamilton, the extension of a trunk sewer there. They were looking for that trunk sewer too.

So I think, with a trunk sewer on the Hamilton side of the mountain, I have been led to believe by the people involved, that we should be able to move along. We have not yet formally gone to the councils.

Your next point had to do with balance of assessments. I think that we have indicated that we could not, nor would the OMB allow us, to go into a position of imbalance, because—I am not sure of my fact—but I believe that the township, at the moment, is limited to a certain number of building permits. In other words, it has been increased slightly over the limit. There are not many, but there are not that many services in Saltfleet anyway and that is their main problem.

On the Leckie Park area that you talk about; there is not much chance of them getting any more housing because whether it should have been approved in the first place is doubtful. I know The National Housing Act never approved houses there because of the sulphurish water content and that sort of thing. We will have their commercial content and we would hope that in dealing with the municipality we can arrive at some kind of balance. That has just got to take place and we have given an undertaking that we would take a crack at it.

The money drain, I think, does relate; I do not know whether you are draining the rest of the community or whether you are draining Hamilton. I do not think that will take place. Was there anything else?

Mr. Deans: The cost of the land.

Hon. Mr. Randall: The cost of the land was \$4,000 per acre for the present housing. When you asked me about it in the House the other day—a year or so ago—we were still assembling some of that land.

Mr. Deans: \$4,000 per acre average?

Hon. Mr. Randall: Yes.

Mr. Deans: Could I pursue it with you just for a moment, this whole plan? What you are really doing, from what I can see,

is that the first phase of the development is going to be, at least partly, directly opposite the quarry. In other words, you are going to develop in an east-westerly fashion—

Hon. Mr. Randall: Can I ask you one question? You are probably more knowledgeable than I am. The Minister of Mines (Mr. A. F. Lawrence) has taken some action on the Niagara Escarpment with reference to quarries. Has this anything to do with this particular installation?

Mr. Deans: Not really, this quarry will still be in existence. This is one of those that will still be there.

Hon. Mr. Randall: When the other quarries are stopped or out of business or allowed to proceed, this quarry will not be included?

Mr. Deans: No, this apparently is not one of the ones that is likely to be involved.

Mr. H. Peacock (Windsor West): The deputy minister has already said that all of them will get permits to continue their operations.

Mr. Deans: So there is not likely to be any problem there. It is going to continue on.

What I want to ask you is, since the services are being provided from the Hamilton direction, from the westerly end of the development, why did the development not take place on a north-south axis, moving east and extending the services as you go? With the notable exception that I want services to Leckie Park, but other than that, for health reasons, if for no other, why would you develop it so that you were developing right opposite the quarry in the first stage? Why not develop toward the quarry slowly? The whole development is going to take 10 or 14 years anyway, and by that point when you get to the quarry you will be much closer to its demise. Why was that not done?

Mr. Goyette: Is it not just simply that the main trunk sewer, coming up, is indeed coming up on a north-south axis. We are south of Mud Street and that is the closest we can get to the trunk sewer. If we start going towards Highway 53, or Pembroke, or down towards Leckie Park, that puts it right down in the farthest corner and the cost of the main trunk sewer would be prohibitive.

Mr. Deans: Well of course you have the main trunk sewer. The main trunk sewer I understand is going to come up Redhill Creek.

Right? It is going to come up the Redhill Creek Valley and then travel along Mud Street? Is this correct?

Mr. Goyette: It is to Monk Street.

Mr. Deans: Then it branches?

Mr. Goyette: It has to go along Mud Street, depending on the ground. I have not personally followed that sewer all the way over. We have our outside consultant doing it. But I would be glad if you wanted to go into more detail, without impairing anything you have got to say in committee. If we could go over the plan I would be delighted to sit down with you on the details of it.

Mr. Deans: What I want to say about it is this: the main trunk sewer travelling the north-south direction will come up at approximately to the western extreme end of the development. Right?

Mr. Goyette: I think it is central.

Mr. Deans: No. No, it cannot be central. It has to be almost at the extreme west end. Redhill Creek comes up at the extreme west end. The Redhill Expressway comes up at the extreme west end, so it has got to be at the extreme west end. It has got to be in the area of Albion Hills.

Mr. Goyette: Yes, I am sorry. Yes. Hamilton East and West are always deceiving.

Mr. Deans: I am sorry—

Mr. Goyette: It is on the other side of—

Mr. Deans: So it is at the very westerly portion, right? Therefore, any branches taken off that will travel easterly in order to service the proposed development. Now it makes sense to me to develop the sewer in an easterly fashion the full width of the entire development, rather than develop this narrow strip, which then will mean development opposite the quarry in the first stage.

By the time you get to the quarry, which is, I would think, probably a little better than half way across the development travelling east, you will have taken up ten years, maybe longer. By that time, you will have a better idea and will have been able, I hope, to negotiate the quarry out of existence. Otherwise we are going to end up with 10 years of heartaches, and a lot of problems.

Mr. Goyette: Have you had the opportunity of discussing this with our consultants who are working in Hamilton?

Mr. Deans: It is not easy.

Mr. Goyette: I would be delighted to sit down with you and I am sure, with your permission, we could go over that detail.

Mr. Deans: I hope we will be able to do that. Before the next estimate comes up, I want to say to you that I do not believe you should continue with the development in the area immediately abutting the quarry unless there has been a definite decision made as to the future of the industrial development in that area. I do not think that we can permit it to be a year-to-year matter, hopefully overcoming its own problem, or the pressure of OHC being able to overcome the problem for it. I think that you have got to say quite clearly that you have x number of years to phase out. You can do what you like with the land, but you cannot continue to use it as a quarry if we are going to build residences across the street.

Mr. Goyette: We will record that opinion. There was one last point, Mr. Chairman, and that was the question of the cemeteries. There are several cemeteries in the area, and I know you know them better than I do.

Mr. Deans: Yes, five.

Mr. Goyette: The main ones, and you heard me make that assurance to the people, we certainly would not touch. The second part of the statement is we would not touch the small ones unless they wanted them touched. I would be glad to put on the record that one elderly couple came to me after the meeting was over. A couple rather too shy, I think, to say something; they were very concerned about whether we would be doing anything, as they explained it was consecrated land. I gave them that assurance again that we would not unless they themselves had come to some conclusion that it might be to their advantage.

As you know, there are, I think, in one locality, for example, three or four stones by the side of the road which, right now, I think, are in despicable condition. The spray hits them and it struck us that maybe they might like to suggest to us, if these were the owners and those involved, and it was consistent with The Cemeteries Act anyway—and we are well limited there—that we might even be able to accommodate them by some movement in which they might be put together and protected and landscaped in a slightly different way. So again I do not think—

Mr. G. Ben (Humber): It has been proved that even the dead are being bothered by pollution.

Hon. Mr. Randall: But we have not had a complaint yet.

Mr. Goyette: I do not think there is anything inconsistent with what you have been getting there.

Mr. Deans: Okay, fine! Thank you.

Hon. Mr. Randall: I think we should answer, Mr. Chairman, many of the questions that Mr. Trotter posed here. I would like to leave Bramalea, because I am sure my friends in the NDP want to make a comment. But I think we should answer some of Mr. Trotter's questions if it is okay with you.

I think the first is going back to Headway construction. I will give you some facts on this, but I should point out that bringing in the HOME programme has brought a lot of the smaller builders back into the market who were eliminated because they could not buy land. The land was too expensive anywhere, so the small builder just hung up the key and went to work for somebody else. The small builder is today building one, two, three, four and half-a-dozen houses.

For instance, if you rented a piece of land from us in Trenton and there were 15 of you, you could go to a small builder and say I will contract for you to build me a home within that \$24,000 bracket including land. This brings the small builder back into the building business.

In view of the fact that we have not had availability of land at prices a small builder can participate in, it is obvious that some of the bigger builders and some of the more efficient builders have been able to quote on a lot of the Ontario Housing Corporation jobs. If they are efficient builders, when they make a quote they quote on the builder proposal that goes before our board. It goes before our Treasury Board; it goes before cabinet and has to be approved, in the main, by Central Mortgage and Housing Corporation and their Treasury Board.

When it has gone that far, I think it has had a pretty close scrutiny. And there has also been a shortage of mortgage money. For instance, people like Headway whom you mentioned, may have owned land up in Thunder Bay area. But if they could not get mortgage money they finally said: "Look we are stymied; we cannot do any private building because we cannot get mortgage

money from the insurance companies or the mortgage companies. Is there a programme that we can work on with the housing corporation?" So this brings them into our office and we have had a lot of people in our office over the last three or four years who could not get mortgage money. So it does not necessarily follow that because they are building for the Ontario Housing Corporation there is anything wrong with their getting a contract—unless they are getting more than one contract—and I will point it out to you in a minute.

I want to cover one other point. I should cover this Headway situation before we get any further and point out to you that Headway's contracts in the two years, 1968 and 1969, were in 35 municipalities, most of them in small communities where other builders were not interested in making proposals—you would be surprised how many times we put out a proposal and never get a bid from a small municipality. And this company set up to specialize in small municipalities and took contracts in these areas I am talking about. In 18 cases alone, Headway's was the only tender. We could not get a bid from anybody else. And quite often you get complaints, and some of our members stand up in the House, saying, "How come you took a survey of need there six months or a year ago and nothing has started yet? The chances are we check it out and find no builders will accept a proposal from that area and we have to find a builder from outside to go in and do it. In seven cases only two submissions were received. Headway altogether has 61 contracts for 1,413 units, and to obtain these 61 contracts they made 216 proposals. So it shows how efficient they are at making proposals. That was up to May 25, 1970. The suggestion that Mayotte Construction Company is related to Headway in any way is incorrect.

The officers at Mayotte Construction Company are R. Mayotte, president, Ed Mayotte, vice-president, so they are nothing whatsoever to do with Headway.

Now here are some of the towns where Headway has built. Elmont 60; Armstrong—that is a hell of a place to build houses—6; Blind River 12; Brighton 10; Calvert 12; Carleton Place 16; Chelmsford 20; Dryden 10; Durham 11; Fort Frances 10; Fort William 102; Kenora 14; Kenora 22; Leamington 12; Longlac 12; Markdale 12; Meaford 10; Meaford 8; Midland 12; Mitchell 10; Moosonee 15; Neilson and Garson, wherever that is, I guess—

An hon. member: Outside of Sudbury!

Hon. Mr. Randall: Outside of Sudbury, 6; North Bay 36; Orangeville 12; Orillia 16; Orillia 32; Penetang 12; Peterborough 50; Picton 16; Port Arthur 97; St. Thomas 28; St. Thomas 22; Sarnia 24; Sarnia 32; Sault Ste. Marie 26; Simcoe 28; Thessalon 10; Tillsonburg 8; Tillsonburg 24; Timmins 33; Timmins 33; and Trenton 22. And in many of those cases there was no other builder who would give us a builder proposal. And I might say that if you want to check your average figures on housing, we have provided through the housing corporation—or the houses that we have built and bought—housing from \$13,000 to \$15,500 including land. These all meet NHA housing standards and they are approved by the Central Mortgage and Housing Corporation in the main. If we get a 90 per cent advance from the Central Mortgage and Housing Corporation it is their inspectors who approve the housing along with ours.

Mr. Ben: Is \$15,000 including the land?

Hon. Mr. Randall: Yes, \$15,500, up to \$15,500; the average I said. Now in the city it would be higher, in a smaller town it is lower.

Mr. Ben: What does your land run out there if it goes for \$15,000?

Hon. Mr. Randall: I could not tell you off hand. But I am just saying our average cost on what we have built and have on the books today has run anywhere from \$13,000 to \$15,500.

Mr. Ben: LaSalle Park cost—

Hon. Mr. Randall: LaSalle Park was \$12,867.94.

Mr. Peacock: Mr. Chairman, is that over the range of bedrooms? That is \$13,000 with a smaller number of bedrooms, \$15,500 with a larger number of bedrooms.

Hon. Mr. Randall: Yes, that is an average of everything we have got on the books. We have 112,000 people housed now, but 66,000 are children. So you can see the problems we have in finding bedroom accommodation for these people, and on the basis of \$13,000 to \$15,000. LaSalle is a good example of the kind of contracts we are getting from people like Headway.

Frankly, I do not think your member should have put the finger on Headway. He was just suspicious of the number of con-

tracts they got. I think you can be suspicious if you see a man's name coming up all the time, but I just would point out there are many areas where builders will not come in and make a proposal. They do not want to go into these areas. They say, "We cannot afford to go, it is too costly. We cannot get people because we cannot get men to stay there." But these people will move a crew around and put them in movable mobile homes and build these houses and do the job for us. This is one of the reasons why Headway's name has come up more often than anybody else's.

Mr. Peacock: What was the total value of the contracts they got in those two years?

Hon. Mr. Randall: Have you got their total budget there?

Mr. D. Beesley (Ontario Housing Corporation): \$12 million.

Hon. Mr. Randall: I think we said \$12 million.

Mr. Ben: How many units?

Hon. Mr. Randall: In 1968 there were 5,506—they got 7.9 per cent; in 1969 they got 8.2 per cent of the units being built.

Mr. Ben: Are we talking about housing units or apartments?

Hon. Mr. Randall: We are talking about housing units. Of the 5,506 units built in 1968, Headway did 7.9 per cent and of the 6,088 built in Ontario in 1969 they got 8.2 per cent. I guess we can get you the dollar figures—we have them somewhere. We will get you the contract figures if you want them.

Mr. Peacock: Sorry, I missed the totals in each year.

Hon. Mr. Randall: 1968 was 5,506 and 1969 was 6,088.

Mr. Peacock: Are these completions?

Hon. Mr. Randall: I do not know whether they are completions, these are what they did.

Mr. Peacock: Contracts signed?

Hon. Mr. Randall: Yes, contracts.

Now just let me cover another point. I mentioned earlier, and again I am not trying to place my emphasis on the federal government, I am just saying we have worked together, I think we have evolved some very good plans. The federal government up to

now would not participate in commercial enterprises within a housing development. However, you saw the statement from Mr. Andras the other day and they are now prepared to help finance community centres and commercial establishments, if they are necessary.

Mr. Peacock: Day care centres?

Hon. Mr. Randall: Day care centres. They come into all that in this last statement of Mr. Hellyer's.

An hon. member: Mr. Andras!

Hon. Mr. Randall: Mr. Andras, I should say.

Insofar as the Ontario housing authorities are concerned, as you know this has been under study. We have 41 authorities. There have not been any appointed since 1965 and we have been looking at ways to make them more efficient and certainly to help them work with the tenants. I announced three or four weeks ago that we were going to set up area boards. The first place we started was Thunder Bay, because we were joining Fort William and Port Arthur, we had two housing authorities there and we wanted to put them together so we started there, putting up our first area board. We hope to have six or seven of them working this year.

They will be supplied with a manager, or an over-all man who can visit these various areas and perhaps give the kind of attention you are talking about—more attention to some of these areas of conflict maybe between the tenants, conflict with municipal authorities, wherever they develop. I think that when we get the area boards working we will have a better programme for the tenants as well as ourselves.

Mr. Trotter: Will any tenants be on the area board?

Hon. Mr. Randall: We are going to set up a tenants advisory committee to advise the boards. The reason for that is that we have read of cases, and I think it happens, where the tenants themselves do not want the next-door neighbour knowing about their personal affairs. I think I pointed out in Detroit where they had a tenants' association running the project 78 per cent of them were in arrears in their rent.

We believe that the advisory board can do all the things they want to do without necessarily being on the board, because the area board is being set up to listen to their advice

on the things that they are concerned with. I do not think they are concerned with each other's personal problems in so far as if he did not pay his rent or how much money is he making. A lot of gossip goes on in these areas, as you recognize. I do not think it is good for the tenants to have other tenants looking at their bankbook.

Now these are some of the things—maybe you will disagree—but these are some of the things we are intending to look at.

I might say too that one of the things that the federal government have discussed with our people is they think our standards on public housing are too high. You do not think they are high enough, but they have told us they think our standards are too high. There should be some lopping-off of some of the things we have been doing in public housing. I do not know where we can lop off, but we are supposed to be having some meetings to find out why our standards are too high.

So there is a difference of opinion between yourself and perhaps our federal friends as to what is good public housing.

Mr. Trotter: If they call LaSalle Place good public housing, I certainly disagree with them.

Hon. Mr. Randall: Mr. Andras lives up there himself. I do not suppose he was there when we built it, I think probably Mr. Nicholson was the minister when that was built; I do not think that Mr. Andras was in on that one, but he lives in Thunder Bay, as you recognize.

But there are some of the things that I wanted to discuss with you with reference to Headway. Maybe Mr. Goyette would like to make a comment.

Yes, the value of their contracts to date is \$18,194,188.

Mr. Trotter: Does that include the ones that are not completed?

Hon. Mr. Randall: That includes contracts awarded.

Mr. Trotter: Yes.

Hon. Mr. Randall: Contracts awarded, not completed. Some may be and some are under way.

Mr. Trotter: Yes.

Mr. Peacock: Mr. Chairman, would it be possible for me to ask some questions at this point before we leave the subject?

Mr. Chairman: You are on the list here you know, and unless Mr.—

Interjections by hon. members.

Mr. Chairman: Are your questions along the same line?

Mr. D. M. Deacon (York Centre): All on Ontario Housing, but the whole subject will have quite a bit too.

Mr. Chairman: Would you like to yield the floor—

Mr. Peacock: Mine were on Headway.

Mr. Chairman: —to the man over there for a few questions?

Mr. Deacon: Fine.

Mr. Peacock: I wonder if the minister could tell us, in the case of each of the projects awarded to Headway, which received the largest value in contracts of any other proponent, in how many projects did Headway itself provide the land? Is that known? Do you have it with you? It is known, I imagine.

Mr. Goyette: No, I am sorry, I think we would have to dig that out. I would say that it probably would have been the owner of the land, in more cases than not. It has only been in recent months that we have been emphasizing acquiring the lands ourselves. But we could get that for you.

Mr. Peacock: So that where you issued a proposal and received a response only from Headway, the chances are that, until recently, Headway then went out and acquired the lands in that community where you had a small number of units and could not get anyone else to build? Correct? The value of the land is lost in the costing of the project on a per-unit basis?

In other words, were you able to separate out the cost of lands to the Ontario Housing Corporation, as against the cost of construction and other costs in completing the project? And were you able to compare that cost of land to OHC with the cost to Headway?

Mr. Goyette: The cost of the land is recorded in the proposal that he makes to us so that we would have the information. He reports to us what the land is and then—we do get a certificate, do we not? Yes. We get a statement from him of how much he paid for it.

The check as well is that as he puts the amount down—if he is dealing with senior

citizens' units and he had something like \$4,000 a unit for senior citizens, there is no way we would deal in that because our rule of thumb is that you try to get in there somewhere around \$1,000, plus or minus. That would come out in the appraisal, and we therefore would not be dealing it.

Things have been sufficiently competitive that the price on land has been not too hard to discern. Furthermore, in most cases the land must be transferred from Headway, the proponent, over to Ontario Housing Corporation, which becomes the owner, and we have our thing there. Thirdly, we have our own persons who have gone to the municipality.

I make the comment that in those cases where we have asked for proponents to come forward, it has been generally on the proponent's own land, or that land on which he can get an option. It has been where we had not been readily successful ourselves in obtaining reasonable land from the municipality.

Mr. Peacock: In respect to family units though, what kind of control do you have over the trade-up or profit which the developer attempts to realize, in respect to Headway—and we have only got one proponent's—

Mr. Goyette: I think as a generalized answer to that question in respect to any developer he must tell us what the land is. If the land is out of order, obviously we would not get involved.

Mr. Peacock: The price?

Mr. Goyette: Price, that is right. Now what he bought it for in the first place and what it is costing now, I am sure most members are aware, you never can clearly discern that. It might have been a piece of land from maybe 50 years ago. It may be a piece of land that is left over from another development. It may not have been registered in its own right, but our main check is that our appraiser, in making a report to the board of directors of Ontario Housing Corporation, must make a judgement of that land and its value in relation to the market.

Hon. Mr. Randall: I think it must go back to the fact that again it depends on the density. For instance, a piece of land can be more valuable closer to the urban area. If you can get density on it, then you can afford to buy the land, but if you are going to put single-family housing on it, you have to buy the land fairly cheaply. I think a

member brought up the fact that I do not think we need town housing in small towns. I disagree with him. I think we can point out to him that in many areas, if we did not have town housing in small towns, a lot of the people, with the wage rates they are earning in those towns, would never be able to afford to move in or even to buy into their own housing.

Today you will find town housing going up in almost every small town in Ontario, and I give you an instance. A man came in to see me a few months ago from Sudbury. He has got houses there finished at \$19,800 and \$21,500. The miners up there, after being on strike, could not even afford the \$1,000 down payment, let alone being able to carry those \$19,000 to \$21,000 houses. He was offering them to us as a package, because if we put them under the HOME programme and financed them through the housing development corporation, a buyer pays five per cent down. Perhaps we could have helped him, and that is still under discussion.

I do point out that single-family housing is not going to be possible, even in the small towns today with the way land costs have gone, the way servicing costs have gone and what the municipalities are providing in the way of services. The land costs even in the small towns can be almost prohibitive for single-family housing, but still people want to live in their own home. They want to have home ownership instead of paying a rent to somebody and getting a living room full of rent receipts at the end of 35 years. At least, they have got an equity.

And keep in mind most of those people sell in seven or eight years and make a profit and move on to somewhere else. I do not think anybody hangs on to a house. The average period is seven or eight years. So I think if they can get a chance to buy under the programme we have here—under town housing or row housing if you want to call it that—it is a far better way of housing people than any other way.

I do not think we are ever going to get away, from here on in, with building single-family housing in small towns unless we can get the land very, very cheaply, because the builders have got most of those places. Where they have built single-family homes, they are asking \$30,000 or better for them. You can go not too far from Toronto and you will find \$30,000 or \$35,000 homes going up left, right and centre. If it was not for the HOME programme there would not be any homes under \$30,000.

Mr. Chairman: The hon. member for York Centre. He has wanted the floor for some time.

Mr. Deacon: Still on Headway, who checks that the specifications are met when these units are built in these remote spots? Who is doing that check of the specifications?

Mr. Goyette: There are three groups of persons who do that. These would be the city municipal building department, the inspector of the Ontario Housing Corporation and the inspector of Central Mortgage and Housing Corporation, which has been involved in the loan.

Mr. Deacon: Would you not have provision in your specifications for soundproofing between units?

Mr. Goyette: Yes. The soundproofing between the units is specified in the national building code, which is the basis for The National Housing Act standards.

Mr. Deacon: I was quite surprised to have a virtual whisper heard between units that Headway built in Longlac. I was wondering if things like that are the result of deficient building and because they are not meeting the standards.

Mr. Goyette: No. With respect, I understand what you are talking about. This has been of some concern to us too, but it does meet the standards regarding the decibel count; it depends on how your studs are put together and it was the basis of a proposal call that this must meet standards. We are now changing over and we are asking for a full block wall both for soundproofing and because we have a little more confidence that people enjoy the block wall and feel a little safer with it from a fire protection point of view. So we are moving from the single-stud wall which does not keep out all the noise; I have admitted to this, and we are now—

Mr. Deacon: They are very well sound insulated, and it certainly is amazing to me—

Mr. Goyette: Well it is a question that it did meet the standards, and this was pretty well acceptable.

Mr. Deacon:—when I think we have never realized that the national building code standards are that much below what I should consider reasonable.

Hon. Mr. Randall: When were you in Longlac?

Mr. Deacon: I have been in Longlac two or three times in the last year. I went into one Ontario housing unit, and they were quite concerned that they could not have a place to hang their laundry because—

Mr. Goyette: Did Headway build that?

Mr. Deacon: Yes, it was Headway construction, and there were a lot of problems in that development in Longlac. I was very pleased, though, that you were going ahead with projects in these towns. I think it is a commendable programme, because they do need housing in those spots as they do in larger places, but I was also disappointed in the quality of the housing that was put up. It was well below the standards I have seen you building in this area.

Hon. Mr. Randall: Well as Mr. Goyette said, they were built two and a half years ago, and certainly there have been some changes in our standards. On the other hand, if you know the standard, you can go too far the other way and price the house right out of the market.

Mr. Deacon: Well, I recognize that, but I think that the standards should include reasonable soundproofing.

Before getting off this general area, the minister of Ontario housing is "Mr. Free Enterprise" in the province. I was wondering when we got this report—I got mine on April 14 for 1968—how you would have made out with General Steel Wares if you had published your report for the year 1968 on April 14, 1970. Do you not think you would have been before the Ontario Securities Commission?

Hon. Mr. Randall: I think we would have been.

Mr. Deacon: Why should you get special treatment now that you are minister of housing?

Hon. Mr. Randall: Well the calendar year and the fiscal year are two different things, as you can appreciate.

Mr. Deacon: This is for a March 31 year-end?

Hon. Mr. Randall: Right. As you recognize the auditor has to approve our statement. Until we can get it audited, we cannot publish it.

Mr. Deacon: Yes, but the auditor could not even get you to close your books last year

until September for a March 31 year-end. Why is it that Ontario housing is the one that the auditor points to as the one that is holding up the closing of the province's books? Right, Mr. Goddard?

Mr. A. C. Goddard (Ontario Housing Corporation): I think that was the case last year.

Mr. Deacon: Well, this year they say it will not be closed until June.

Interjections by hon. members.

Hon. Mr. Randall: Well, answer the member's question. What will be the difference this year?

Mr. Goddard: We invited the provincial auditor to come in two weeks ago. We are already closed for the fiscal year 1969. That is a little improvement.

Mr. Deacon: That certainly is, but it certainly is not as good as would be expected of you, Mr. Minister, if you were again president of General Steel Wares.

Hon. Mr. Randall: I will take the reprimand and do something about it next year.

Mr. Deacon: You also should think about having your year-end coincide with the province's year-end, so that when we get statements we can compare the two.

Hon. Mr. Randall: We have to have it coincide with the federal government's. Is that right, Mr. Goddard?

Mr. Goddard: Yes, sir. With the closing of projects under our management, if we were to have a fiscal year-end that was different than CMHC, it would create more problems. All of our projects with CHMC tie in with an amortization date which follows a calendar year.

Mr. Deacon: Well, you have to have an audit for March 31, anyway; you have to have one for December 31. There are such things as quarterly statements that other businesses provide, and I cannot see why you still do not put out your report to us coincidental with the official budget so we can see how it all breaks down according to the overall estimates and have your special report to CMHC for their purposes.

Mr. Goddard: I really cannot give you a definite answer to that.

Mr. Deacon: I would suggest to the minister that it might be very helpful if we had our published reports from all the departments, including yours, tying in with the province's year-end, and you could have special reports for some other government's purpose as well.

Mr. Ben: He pointed out that 80 per cent of their money comes from the federal government.

Hon. Mr. Randall: That is not true. Do not forget that it is paid back to them.

Mr. Deacon: You have a \$96 million budget here, but in the way you are spending it, as I have submitted to you before, I think you are putting the wrong emphasis. You are costing us in this province at least \$750 million a year in excess prices for land, because you are not going after the root causes of our housing problem. The root cause of the housing problem is the cost of land, and your responsibility here is to provide people with housing at the lowest possible cost. Why do you not go to the main cause of high costs, which is the shortage of serviced land and land which municipalities are prepared to allow building to go ahead on? You have gone ahead with major public housing, which is very commendable, but do not forget what happens in so many nations when you make it so difficult for the private developer to operate that you get into the public only. You have in Stockholm and Glasgow the worst housing shortages anywhere in the world.

Unless you create the circumstances where there is free, open competition and there is an ample supply of serviced land on which people can build, you are going to have trouble. I am surprised that you, as a so-called free enterpriser, continue to emphasize land banks instead of emphasizing making available serviced land for anybody who wants to build, including yourself.

You are not doing that. You are still not making your colleagues recognize the basic necessity here. You have got to have services; you have got to have the municipal co-operation. You have got to eliminate these delays and the red tape that add so much to the frustration that every builder has, including yourself. You are certainly one who has had it—your Malvern project is one of the best examples. If you would give leadership as the man responsible for housing and say to your colleagues "I want more money to provide these necessities for municipalities"—it is not very much we are talking about.

Mrs. M. Renwick (Scarborough Centre): Especially in comparison to the money in your EIO loans.

Mr. Deacon: That is right. You look at the major increase in the cost of housing. The building costs, because of new methods of building and things like that, have gone up maybe 50 to 75 per cent in the last 10 years, but nothing like the land cost. In the last 10 to 15 years you have seen land costs at Malvern go up from the \$500 or so an acre you paid to—what is it today?

Hon. Mr. Randall: I did not pay that. It was bought long before I came.

Mr. Deacon: Well, whoever was before you—the government.

Hon. Mr. Randall: I did not even promise houses in 1950. I promised houses when houses could start—

Mr. Deacon: The fact is the land was bought cheaply.

An hon. member: In 1943, it was one of the 22 planks in this platform.

Mr. Deacon: Would you sell it for \$50,000 or \$75,000 per acre? It would certainly be a fantastic increase in the price of that land. A 10,000 per cent sort of thing!

Hon. Mr. Randall: May I just point out—could I ask you one question?

You know all the land that is held, at Markdale—in Erindale—was already owned by developers. It had been owned by developers for many years and sewers and water are going through there now. I wish you would go out there and price those lots and see if, as the Ontario Housing Corporation, if you can get yourself a bargain on those lots.

The point I am trying to make is this. I think the idea is an excellent one if the developer who owns the land felt the same as you do. That because the government put the services and water through he would sell us part of his holdings at what he paid for them. This is just not in the cards.

If we run the sewers and water through when we do not own any of the land, I can assure you he is not going to build anything less than \$35,000 homes. I think they are talking about building \$80,000 and \$90,000 condominiums out there. I do not have the same faith in these developers that you have; that if I run the water and sewers through there, they are going to give me part of their holdings to build housing for the modest-income people.

Mr. Deacon: I do not seem to be able to get the idea across to you. I do not think any developer is going to be in the business of giving away land. There is no charity in him at all. What he is governed by is what the supply of competitive land is.

I can remember well from my experience in the land business, because I was in it for a few years and I know what it was like when you owned raw land. The fastest way for anybody to go broke in the land development business, in the real estate developing and housing development business, is to own raw land too long. The carrying charges of the land, both in interest and in taxation can really put you out of business in a hurry.

The only thing that you can keep on looking at is what you are going to be able to realize for that serviced lot at some time in the future. If there is a feeling, as there has been for the past 15 years, of artificial continuing shortage of availability of land which we can build on in this area where this government has maintained a policy, of being certain that the supply of land on which people can build, the land which is serviced and which municipalities have agreements for, is well short of the demand, there is only one thing we can expect to result and that is what has resulted—the worst spiral in land costs anywhere in North America. It is a most outrageous situation that a so-called free enterprise government would be making it absolutely an ideal situation for the worst side of free enterprise, this land speculation that has occurred here.

We would have to nationalize land under such continuing circumstances, because this outfit has never recognized that what we have got to do is not have just 50,000 lots available for an 80,000 demand. We should have 100,000 serviced lots available in this province. Tax that land at its market value today, because as soon as you can put services on it you should be able to assess it at its full market value. But be sure that there are plenty of services available.

You talk about Erindale. The number of lots we are talking about developing at Erin-dale, plus the others in the corridor, are nothing like the number that the builders think there is a demand for.

But what if this government, with your urging, were to say: "We are now going to adopt a policy of having Ontario Water Resources Commission build sufficient plants for water supply and sewage treatment." And then put in the trunks and make the use of those supplies, plants and the water supply

available at rates competitive with Metro Toronto, for example? What if this province were to say to municipalities: "We are going to give you assistance of some form"—and I can suggest the form it should take—"over a temporary period to give you time to absorb the initial high costs of housing?" And what if we were also to bring in policies that made it possible for municipalities to not have to go through the Ontario Municipal Board for all these approvals?

We just had the member for Wentworth discuss the situation. It is ridiculous. If the Ontario government were to look after putting in these services it would not cost them in any one year, in subsidy, more than \$10 million—and I have done a lot of calculations on this thing—to ensure we have ample trunks and sewers available in the corridors of development we have now designated.

I compliment the government for having at last come forward with the "Design for Development" plan, but there is no point in coming through with an overall plan unless you put the muscle in that allows people to develop in these corridors. What is going to happen as a result of this government's plan? Without the necessary supply of services on a competitive basis, without the necessary assistance to municipalities, without the necessary cutting out of red tape that we now put in the way of developers, it is going to be the worst land speculation you ever saw, all the way east and west across this province.

And there are going to be tremendous pressures—and reasonably so—from people just outside that boundary which you are trying to stop development in. We want to have the greenbelts. We want to have the desirable things. But what we are doing right now, by your lack of energy in pushing for ample services and ample financial assistance in municipalities, we are just creating the worst problem that we ever had in our history.

Mr. Allen, the past chairman of Metro, said to me a couple of years ago: "I really think we are the authors of our own problems by restricting the amount of development artificially." We are restricting it by the availability of services because we cannot afford much more than we are doing in Metro and we are restricting it also by our need for viability, we have to keep our assessments well within balance.

But to the province the amount of money that would make the difference is very

small. Twenty million dollars is the total amount that I estimated. You could really change this by a subsidy of \$20 million to Ontario Water Resources Commission, by a similar amount of \$10 million distributed to municipalities as subsidy payments for low-cost housing. You could change the atmosphere in this province overnight. And if you made it an announced policy that we are going to be sure that there is an excess of supply of building lots, you would take the spark out of this spiral of land costs overnight.

I can assure you, as someone who has sat on a board and worried about a \$2 million land purchase and said, "How are we going to get our money out of that with all the delays in getting the land serviced?" I know just how the feeling is with the high cost of money, with the shortage of cash there is today. A change in the policy of this government would make the whole thing look different overnight.

But what really concerns me is that you are now in bed with the speculators because you own 12,000 acres of land. If that drops below your cost you are going to have to answer to your cabinet colleagues. They are going to wonder why you bought land in Kitchener for a certain amount per acre if you cannot get that much for it. Maybe this is a concern on your part. I would hope it is not.

I would hope that you would say: "I do not care what I get for the land, I am going to be sure that we have available in this province a full supply of service land; that services are not short and are not the cause of high land costs."

Look at the town of Fenelon Falls. A house lot sold four years ago, no seven years ago in Fenelon Falls, for \$700 on a little street. There was then no shortage of places to build in the town. Then, the last lots available, because of Ontario Water Resources Commission restrictions, get used up. That same lot sold for \$9,000 last winter—\$9,000 up from \$700. This is all because of our artificial restriction of the supply.

You can go to Sault Ste. Marie and you can buy service lots outside Sault Ste. Marie at very little over the basic \$30 or so per foot frontage cost of the streets in the locality because the demand has not been in excess of the available supply. They have been able to manage the situation out there.

But in areas around the province where the demand is in excess of supply, I think

you missed the boat by not really driving hard on the supply situation and being certain it is well in excess of demand. Then the free enterprise system can operate. Then there is no excuse for builders not coming in and doing a job.

Erindale, I can assure you, would be scared skinny if you told them that we were opening up land all along the corridor. We are putting in these big trunk sewers and these mains and we are going to allow all kinds of people to open up. We are not going to keep the market nice and controlled so the price goes up every year. You should see a change in their tune. They will sit on raw land for only so long and it is time, I think, we recognize this if we are to call ourselves a free enterprise government.

I was just doing a little bit of recalling of the situation out our way in Markham township a few years ago. The price of \$500 an acre, even in 1958 was a fair price. But when they start hearing of people getting \$25,000 an acre five miles to the south because that is where the services are, that is when they start asking for more and more and more. The more they start asking higher prices for this raw land the more the whole thing builds on itself. But we should have such a supply of serviced land close to wherever we want development in excess of all the possible demand necessary. Then you will see the land go back to its economic value for the purposes it is best suited for at that time. We would not have this speculation that occurs because of high prices in the cities pushing into the country surrounding it. You would have the land around Saltfleet—maybe the land there around that gravel pit—at the economic price of the land for gravel pit purposes, as long as they can operate a gravel pit. Otherwise, it should be darn close to the agricultural value of that land.

If we did this, we would eliminate so many of our problems. We are having a terrible time out our way. The farmers do not want to have the land go out of the family's hands but if they die, how can their family afford to pay the estate tax on land that is now at \$2,000 or \$3,000 an acre? Sure they can sell out and go farming if they can find a farm somewhere else, but they do not particularly want to do that. They enjoy farming and everything in their life is not the almighty buck. They do like to have that family tradition go on. They know they are in a green belt for many years to come, perhaps.

We have got to do something to pull the plug, to prick the balloon, that has gone into land development around this province; and it is in your hands. You are the minister who has a core of responsibility here. You know from your experience in Malvern that first of all you could not get the municipality to service you because it could not afford to put a trunk away up there. But you could have, as the province, put the trunks up there. The municipality could not afford to have a housing development go in because it would have thrown the assessment out of balance. But you could have given assistance to the municipality to offset the impact of that low-cost residential housing at that point.

They could not get by the Ontario Municipal Board, perhaps, or the Ontario Water Resources Commission, or some building code restrictions, but you could make the provision for those things. You have the power here, in the provincial government, of doing these things. It would be different if we were talking about huge amounts of money, but we are not. We are talking about relatively small amounts, even in your budget.

Mr. Chairman: I am sorry to interrupt the hon. member but we should adjourn. Mr. Randall has to leave and we could come back tomorrow at 3.15 and—

Mr. Deacon: No, I am pretty well done.

Mr. Chairman: I will take you as I have you on my list.

Mr. Ben: I think—am I next, Mr. Chairman?

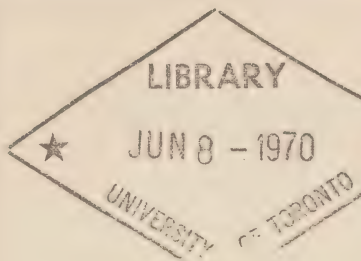
Mr. Chairman: I will make sure that you are next.

Hon. Mr. Randall: I have the Eedee awards tonight. I am sorry. There are 782 Eedee awards tonight selling fashions all over the world. If you want to come, you are welcome.

Mr. Singer: We could provide houses for 500,000 if he would spend a few hours here.

Hon. Mr. Randall: We will listen to you.

The committee adjourned at 5.30 o'clock, p.m.



ONTARIO

S-9

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, May 26, 1970
Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

TUESDAY, MAY 26, 1970

The committee met at 3:20 o'clock, p.m., in committee room one; Mr. D. A. Evans in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (continued)

On votes 2209 and 2210:

Mr. Chairman: We will call the meeting to order and the first speaker will be the hon. member for York North.

Mr. D. M. Deacon (York Centre): I think perhaps Mr. Hodgson (York North) might object to you calling it York North.

Mr. Chairman: It is York South, eh?

Mr. Deacon: York Centre.

Mr. Chairman: Oh well, as long as I got it close. It is one of the York ridings.

Mr. Deacon: I got right in the middle.

I wanted to carry on because of the minister (Mr. Randall) mentioning to me that he could not quite understand the arithmetic I was doing.

I wanted to point out the basis for the arithmetic I mentioned and that a \$20 million direction of funds—\$10 million to services and \$10 million toward a subsidy to municipalities—would really change the whole atmosphere within the province with regard to the availability of lots on which people can build houses.

The first point is that I have checked with different groups of builders who have had to build outside the normal places that services were available, such as in Metro, of a municipal nature, and they have found that a contribution of about \$750 per lot has taken care of the basic trunk mains, the water filtration plants, the sewage plants and the sewage trunks that they have had to build. It has varied from \$500 to \$1,000, but they said a mean figure of \$750 would not be very far out. This would certainly be particularly

true when they could work on the basis of a well-integrated design and did not have to worry about municipal boundaries and have to be confined to location of plants or sources of water.

Based upon 21,000 homes built in Metro last year and a total in the province of 80,000 in all, they felt that the sewage plants that would be in demand for this type of service would require in the order of about \$50 million a year.

If you project revenues on such projects as I have stated before—the Lake Huron pipeline and some of the other trunk projects, such as the Brampton one where the Ontario Water Resources Commission does it on a pay-out of that particular project—it has to be fully paid out and they have their estimates of low revenues in the initial years and the estimates built up as the volumes build up. But they estimate their rates on a basis that will pay out the full cost of the project over a period of time.

There is no leeway for them to get any sort of assistance from the government in the way of an annual subsidy so they can set a rate that is competitive. As a result of having to set these rates or suggest these rates to municipalities that involve often a very high cost to the municipality for the services, there is a great deal of resistance by the municipalities in just entering into negotiations.

Richmond Hill this last year was offered a deal by the Ontario Water Resources Commission at nearly four times the existing cost of water in Richmond Hill, and certainly about five times what the cost of water is in North York. Naturally Richmond Hill is prohibited from going ahead with such a project. But if the Ontario Water Resources Commission could work on the basis of water supply to a large area knowing that the plan of the province was for developing or stimulating development in that area, the market studies would certainly make a lot of difference if the rates were competitive. The subsidy of \$10 million that I worked out was

based on using several different examples of projects that have come before the commission. I would think that would be in the order of the subsidy required.

I could be off, but I am darned sure I am a lot closer to the subsidy required than the Minister of Education (Mr. Davis) was in his estimate last year that he gave to the House. I think he was only \$50 million out. I am suggesting I might be 20 per cent out or something of that sort in what I am suggesting here. The basic concern is that the province undertake a sufficiently ambitious programme and say, "We are going to provide the services. There will be no shortage of services. We are not depending on a municipality to arrange the financing."

From an engineering point of view, I mentioned it is the most economical. You do not have to confine your source of water to ground sources which are being depleted. You can go to a lake and build a pipeline because of the long-term plan, particularly now under this new Design for Development going along the lake corridor. You do not need to worry about where the sewage effluent in the plants is. You can build a pipeline to take the effluent down to a lake site for tertiary treatment if necessary. You can certainly build them more economically. You do not need to worry about the sewage plant being outside one region in particular where the development is taking place. The province has a right to go anywhere there.

You can stimulate development where the province designates when you put those plants in, and do it in sufficient quantity to be sure there is nothing of that nature holding up a development. If people want to develop they can do so.

The other thing is, when the province does designate such areas for development, it would then have a good reason to have them zoned and assessed that way. Then you would not have such lands in areas where they can be under-taxed on the basis of agricultural value. You could tax it at full market value. That would be a very persuasive means of getting that land on the market because they cannot stand taxation combined with high real estate costs. You would eliminate the Ontario Municipal Board consideration of whether a municipality had the financial strength to do the financing.

That is what Toronto's problem is. They can only go to the market for so much every year. They are very much restricted in their capital budget. We are restricted too in the

province to about \$300 million or so, plus what the Hydro does.

But I suggest that the province would have a far greater leeway if it would get Hydro to go on its own as I have suggested to the Treasurer (Mr. MacNaughton). It certainly is, according to institutional lenders I have talked to, something that could be readily done. It would mean that this greater degree of borrowing power would be available for what is a much more essential purpose to the pockets of the people of this province—that is getting land prices within their means. Of course, the costs of financing would be reduced a great deal.

I suggest to the minister that he analyze the thing. A \$10 million to \$12 million expenditure toward the subsidy necessary for OWRC to carry out such a programme would do the job in a very significant way. The OWRC should be developed into an Ontario Hydro of water and sewers. It would really do the job that Dr. Barry initially told us it would be doing when it was set up when he met with a lot of us early in the middle '50s to announce this programme. But, unfortunately, the province has not gone ahead on that basis. They have really just had it as a financing operation for local municipalities.

The next point that I discussed with the minister was this matter of assistance to municipalities. With your delays in Malvern you not only had the problem of Scarborough not being able to get the trunks up to that area—and for that reason they are saying it is premature—but you also had the problem of Scarborough not knowing how to finance the programme. Scarborough's position in the early fifties, prior to Metro, had been desperate because low-cost housing had been allowed to develop, which is something that we need. Socially, it is something that we have got to encourage, but municipalities are fearful of getting a large amount of low-cost housing on which they cannot get industrial-commercial assessment in the early years to help cover the costs of the required services.

If you put in a subsidy programme along the lines that I suggested here, which would be based on the actual construction cost of a house, excluding the actual lot price, you could give a tremendous incentive to a municipality to approve low-cost housing and housing, period, because as houses get up in size, they are self-sufficient on the tax revenues for that particular residence. But the scheme that I suggested was one that would give the municipality the assistance to initially reduce the resistance that those of

us who have sat on municipal councils have provided, or put up, against any undue amount of low-cost development or any undue amount of residential development, period.

We were concerned that we would get ourselves into a financial bind. We were concerned that we would be in the position that Pickering got itself into because it had so much residential development, without the necessary industrial assessment. When it got itself into a financial bind, it could not attract the industry. Industry was afraid to go in there. So I suggest that this position and \$10 million along this line would give an awful lot of municipal encouragement in these areas of great pressure for development around this province. There are not too many municipalities that are faced with this problem, but there are a number in these high-pressure growth areas that we are talking about and those are the main points that I wanted to bring up.

The question of access is vital. If you are concerned about the area to the west of Toronto where Erin Mills and others are hanging on to the lands and you cannot get sites for your Ontario Housing, there are other sites available along the corridors that the province has suggested are suitable for development. But they do not have the services, or the municipality does not want them to go ahead, or they have not got access. Access is something the province has the means to control and this is something an aggressive programme for the provision of public transportation by the railway lines and other means would do a great deal to overcome.

The offering of building lots would not be confined to a limited area as it now is. You do not have it really opened up, but if there are 100,000 on the market for a 70,000 demand, that market price is going to change, especially if this province will aggressively follow that policy and say with no inhibitions, "We are going to see that there is more land on the market, serviced land, than there is demand."

You, with your own portfolio or your own holdings of thousands of acres of land, if that were serviced and put on the market in a hurry along with this policy, would soon prick that balloon of high-cost land that we have around this province.

Mr. V. M. Singer (Downsview): Hear, hear!

Hon. S. J. Randall (Minister of Trade and Development): Mr. Chairman, I am sure the

hon. member recognizes that where we have land we have assisted in providing water and sewer facilities to that lot if it is ready for development. I refer back to 1968 when we made a deal with former Chairman Allen to help prepay the services to Malvern in order to get Malvern on schedule, the way we suggested it should go.

Mr. Singer: Oh, come on. On schedule! You have been talking about Malvern since 1954, not since 1968.

Hon. Mr. Randall: I did not come here till 1963.

Mr. Singer: Malvern was first talked about by Tory cabinet ministers in 1954.

Hon. Mr. Randall: That is all right. I was not here. We got it on schedule when I said it would go on schedule. I suggest we have done something with that work in Malvern. We are doing it, as you heard the other day, at Saltfleet in Hamilton.

I would like to get a copy of what the member said. I see you have been talking from notes. We will get a copy of *Hansard* and I will check your facts and figures out with my colleagues. I might suggest to you that you gave me two pages yesterday which were rather incomplete but I forwarded those to my colleagues and suggested that as soon as the estimates are over I would like to sit down and discuss this in more detail.

Today you have elaborated a little bit more, and I do not presume you have that written out, but if what you have said is in *Hansard* when we get finished here, I would certainly like to take a look at it.

I think there is merit in the idea. This is not the first time it has been suggested.

Mr. Deacon: I have talked about this for the last two years.

Hon. Mr. Randall: I suggested when I came here that water and sewer facilities could be a utility the same as Hydro or the gas company, and I think you may have some argument with some of the municipalities about selling out their services—

Mr. Deacon: They do not have to sell them—

Hon. Mr. Randall: No, I know.

Mr. Deacon: —but for any expansion they have got to have it.

Hon. Mr. Randall: I say if you want to look at the whole gamut of services, some

companies have spoken to us about taking care of all the service facilities in an area, such as garbage collection. There are companies available today in the United States who are making a business out of providing all services in some of these satellite communities. We have had a look at some of them.

I think perhaps over the next few years there will be greater attention paid to some of these recommendations, but as I suggest to the hon. member, Mr. Chairman, I would be glad to have a look at those facts and figures and check them out with my colleagues and see if there is any merit in proceeding on this basis.

Mr. Deacon: You see the problem you are talking about is, you are talking about helping Malvern, you are helping the one out at the west there but they are all small projects on a very small scale. I am talking about a massive scale.

Hon. Mr. Randall: I am talking about Ontario in general.

Mr. Deacon: Right. And we are talking about the areas in which there is great pressure. Do you know that it took 14 years to build that water line between Lake Huron and London and the reason it took 14 years is that the Ontario government insisted on the municipalities signing these agreements that they would take so much water at a certain price in order that that project could be financed out? But the Ontario government did not get its money, based upon those agreements. This was not the same as the Trans-Canada Pipelines deal where the pipeline company had to have these contracts for the sale of the gas before it could get the money.

The Ontario government got the money on its own credit and could have gone to the municipalities and said, "Look, we are going to sell water and this is the rate we are going to sell this water at. We estimate your market is so much, but we are going to go ahead, we are not waiting for you to give us an agreement." They could have gone ahead and built that pipeline in a few months, not 14 years.

The Brampton sewer was the same problem. Brampton could not get sewage treatment. It was held up for years because of the tremendous amount of negotiating they had to carry out with municipalities. Even after they did, they had to have their agreement approved by another body, the Ontario

Municipal Board, because they are an obligation on those municipalities. The silly thing is that they are an obligation that absolutely does nothing to help the province raise the money. It is absolutely unnecessary from the province's point of view.

The province has control of where the planning is. They know the market demand. They can do a market survey. They can design all this and have control over it in a way that practically no other project builder can. They set up this Ontario Water Resources Commission with this end in view, they stated in the middle 1950s. Yet we are still talking about these piddling little projects here and there without really getting into the question and solving it.

I suggest that somebody who has been capable of coming in on some of the immense projects—and imagine the programmes that you have—is the one who has failed to date to seize upon the key to solving our housing problem. I really hope that you will look upon this thing, not as a little wee bit of a programme, but as an immense programme to solve the shortage of land on which we can build in this province.

Mr. Chairman: The hon. member for Humber.

Mr. G. Ben (Humber): Mr. Chairman, I am sorry, I am a bit thrown off here by what my friend has just finished saying. I was all primed up to discuss Ontario Housing Corporation, but we sort of ran into municipal affairs and I think perhaps I will have to keep it on that vein perhaps I will have to see, now, how one can avoid it.

It seems to me that there are a number of aspects that have been discussed here, and a lot of aspects that have not. Primarily, this department is responsible for the Ontario Housing Corporation and not for the Ontario Water Resources Commission or anything of the like. It is not responsible for subdivision control, but since we have been on this point, I imagine we will have to continue because the Chairman allowed it.

I think the member for Parkdale (Mr. Trotter) was right in the first instance that this department is treating housing for the needy in a way that one would handle a filing cabinet—in other words, find a place to put them. The size aspect seems to be completely disregarded, and we are finding that a number of social ills are arising from this government's housing programme through the Ontario Housing Corporation.

The latest manifestation of this difficulty was recorded in the city of Toronto when the homeowners on Bain Avenue asked for fences to be put up to keep away Ontario Housing Corporation "instant slum" residents, as the headline, I believe in the *Globe and Mail* states. Yesterday there was also a report that Etobicoke has halted a housing project at Thistletown, because there just are not the proper social recreational facilities for the existing—

Hon. Mr. Randall: You are not suggesting we put the fence up, are you?

Mr. Ben: I am not discussing the merits of the fences; I am not prepared to discuss what type of tenants you have in Ontario Housing Corporation projects on Bain Avenue. That is not the important point here. The important point is that until quite recently this department was taking no action to supply the necessary social amenities that had to go with this kind of problem. This department was concerning itself with solving a feasible problem, without in any way delving into the social problem to the degree that it itself has now created greater social problems.

I recall that at one time I favoured housing projects of the Regent Park type—until, at one stage, in preparation for a speech that I was going to make in the municipal council supporting such projects, I went and carried out some research to prove how these types of projects cut down on the need for health services, police protection and other needs of this nature. I was shocked to find that my illusions were completely shattered. Even though the Regent Park housing concept had cleared away what they call slums, there was absolutely no decrease in the crime rate in the area; there was absolutely no decrease in the need for social services, welfare services and other services of this type. All the Regent Park project had done was to change the physical area, but it had done nothing to change the social area. At that time, I became convinced that high-rise housing itself meant absolutely nothing unless you did something to correct the social aspects of the areas you were trying to improve.

I recall, when this department started to go out to buy apartments, I objected to it on two grounds. One, it was not doing anything to solve the housing crisis; all it was doing was shifting the housing crisis, or the burden of this crisis, from one group to another and in many cases, increasing the crisis. And, two, it was not doing anything at all to

change the social environment in which these people were living.

One of the newspapers, in a kindness to me at that time—at one time they were kind to me—soft-pedalled what I was saying in reporting it, because they said the programme of this department, as they were led to believe, was that only 40 per cent of the accommodations in these apartments that were being bought by Ontario Housing Corporation would be turned over to subsidized housing, and in this way the people coming in would be brought into a new environment and perhaps eventually lose their need for subsidized housing.

At that time, I fell for that gambit. Now I know that it is not true, and that this department has completely lost sight of the social aspects of low-cost housing. It ought to do more than just supply the filing cabinet that the hon. member for Parkdale was mentioning; it ought also to supply needed social services so that the people can be upgraded physically, morally and mentally. In this regard, this department has failed miserably. It has now started to buy some apartments that have gymnasiums and swimming pools. They are always there with the fire hose after the barn has burned down, and when they do bring the fire hose, they forget to bring the water anyway. But that is their particular attitude on these things.

Out in Etobicoke, the appalling thing was that Etobicoke found out that the Central Mortgage and Housing Corporation had sold 10 acres of project-owned land to private developers, without even asking them if perhaps Etobicoke could use—

Hon. Mr. Randall: We never sold the property.

Mr. Ben: I did not say you sold the property. I said Central Mortgage and Housing sold the property.

Hon. Mr. Randall: They have not sold it yet.

Mr. Ben: Well, it is reported that they did sell it.

Mr. P. R. Goyette (Ontario Housing Corporation): It is not consummated yet.

Hon. Mr. Randall: It is not consummated yet.

Mr. Goyette: But an offer has been accepted.

Hon. Mr. Randall: There is an offer in; I understand that it has not been consummated.

Mr. Ben: But there was no agreement?

Hon. Mr. Randall: I do not know whether there was or not; I just read the press, the same as you did.

Mr. Ben: Well, then, why do you say it is not sold?

Hon. Mr. Randall: Because you are very definite it is, and I am not definite it is.

Mr. Ben: You are pretty definite it has not been sold. And for this reason they stopped the rezoning, because there were no social community recreational facilities to handle the existing youngsters in that area, without the social problems being aggravated by another 240 units going in there.

Now there is a survey on the troubled child—we do not call it mental illness any more—in Etobicoke and the mental health association estimates that in Etobicoke, as elsewhere, about 10 per cent of the youngster population is what we call troubled.

But they point out that in some areas it goes as high as 30 per cent. One of these areas would be the Thistletown housing development area. If any place needs the social services it is the Thistletown area, and here we have the shocking situation where Central Mortgage and Housing Corporation entered into an agreement to sell that land without even asking Etobicoke or even asking you. At least, I trust you would tell me if they asked you.

Hon. Mr. Randall: We heard about it, yes.

Mr. Ben: You mean you heard about this before they entered into agreement with the developer, and you did not try to buy it?

Hon. Mr. Randall: We heard about it.

Mr. Ben: You did not try to buy it, and you heard about it before—

Hon. Mr. Randall: I said yes, we heard about it.

Mr. Ben: Did you hear about it before they entered into the agreement to sell, or after?

Mr. Goyette: So that we are not playing on semantics here, this sale is being arranged by Central Mortgage and Housing Corporation, which is a federal partner. To this extent the province is involved—25 per cent participation.

Hon. Mr. Randall: Twenty-five per cent.

Mr. Goyette: Now this land, the 10 acres that you are talking about, has always been zoned for the purpose for which it is being sold and it was zoned this way in concert with the municipality.

Indeed, at one time we ourselves, and I am using the word “we,” as the partnership represented by CMHC, wanted to have a little extra social amenity in there and we were discouraged from doing this.

Mr. Ben: By whom?

Mr. Goyette: By the borough. Just to keep this record straight, there were 500 acres there, and we are now down to only 190 acres of residential land. The partnership sold to the borough, at below market value, land for industrial and hospital use; it sold 61 acres to school boards and I think there are about eight school sites in there, which is much higher than the proportion around.

There were 65 acres that went to the conservation authority. There were 27.86 acres that went for public park purposes, which is well above, I think, the five per cent. Then there was the land that went for multiple senior citizens, singles and semis.

At one time it was our hope that we might have been able to put in 1,000 units—out of the 2,600 units, 1,000 might have been public housing, because the intent at that time was it would be a mixed integrated community. We concluded by ending up with just over 500; about 550 units are public housing and the rest are private.

So the piece of land you are talking about, for which an offer has been accepted, subject to certain things happening, is quite in conformity with the zoning and people certainly know about that. I think there are some people, some individuals—and my impression is it might be social planning persons or one of the associations—who feel that maybe they personally were not aware of this, but I think this was well known at the time. To go one step further, it was 35 units to the acre residential—

Mr. Ben: Twenty-four.

Mr. Goyette: Thirty-five is my information.

Mr. Ben: Twenty-four is mine.

Mr. Goyette: All right. There is other zoning allowed in the institutional or the commercial use. We are selling it as is. If the developer chooses to apply for a higher zoning, that is his concern. We find, too,

that the density there—and I think this seems to be the problem why some people think there should not be any more housing on a site which has been designed for private rental housing and not public housing—is only about seven units to the acre, which is not any higher than the surrounding area.

Just to get our position clear on this, the zoning on that land has been well established. It was put together, as you know, by consultants and others, and it is interesting how this started off. It has more amenity conservation and public space than most of the things we are involved in. I might say there is a community church site that has not been built on. At the same time, there is a six-acre site on Mount Albion, which was disposed of to the municipality for the very purposes that some people are talking about now.

Mr. Ben: When?

Mr. Goyette: This would be several years ago. On it now they have, I believe, only the pool, and there is a room for a rink and some other amenities. The kind of social amenities that people might want to have, (a) could be put on that six-acre site, or, (b) could be put in in concert with the developers who have agreed to make some office space available in the commercial space.

I attended the meeting personally. One has the impression that the real issue is not the social amenities. If that is really what they want, I think they could be accommodated. I think there is some concern that the density of housing might be higher. I repeat, it is seven to the acre in that area, which is somewhat lower than what is found in the adjacent area.

That is the information that I have which I obtained from our federal partner.

Mr. Ben: Mr. Chairman, if I may continue, just to correct the learned gentleman—or perhaps we may both be some place down the middle—the area at present can take 240 units, which would be 24 an acre. You may be right in that you have to give up part of the acre for roads and lights, but the 10 acres at the present time is zoned for only 240 units. The developer was asking for 410 units. A survey in there shows that in the Greenholme neighbourhood area, there are 2,876 children and the teenage population is 412 and will be 1,114 in five years on the basis of the population.

It is easy for you to say that there is land there to provide these social amenities,

but there are not those social amenities. What you are saying is it is okay for you to use all the resources at your disposal, throw tens of thousands of people into an area and then say to the municipality, "Here, build them the necessary social amenities".

Hon. Mr. Randall: Let us get the figures straight. Let us not have that "tens of thousands", because you have lost a decimal point somewhere. The man just pointed out to you that he is talking about 240 units. That is not "tens of thousands" of people.

Mr. Ben: Oh, now, come off it. You are talking about the 10 acres. We are talking about—

Hon. Mr. Randall: We have already pointed out that we have supplied the land to the township for the amenities you are talking about. But now what you are asking us to do again is supply the same kind of land, more land, for the same thing. When does the taxpayer win in this deal?

Mr. Ben: I am not saying that you should supply the land; I am saying you should supply the facilities, if you throw all those people in there—and do not try to wiggle out of it—

Hon. Mr. Randall: We are not trying to wiggle out of anything. The facilities are there.

Mr. Ben: —to that 10-acre bit. There were 600 acres in there originally, it was just stated. You gave away—

Hon. Mr. Randall: There were 1,000 acres in there.

Mr. Ben: All right, but your project started with 600-and-some-odd acres. What was the exact figure there?

Mr. Goyette: How we started with 500, is that your question?

Mr. Ben: Well, no, you started with a figure of some 600-odd acres. Is that what you started with?

Mr. Goyette: No, I started with 500.

Mr. Ben: Okay, 500. You gave away about 100 of that.

Mr. Goyette: We gave away about 310.

Mr. Ben: Three hundred and ten. What did you do with the rest?

Mr. Goyette: The rest is in housing.

Mr. Ben: All right. How many units are there?

Mr. Goyette: I think we have about—

Mr. Ben: If you put that microphone down, you do not have to keep bobbing up and down.

Mr. Goyette: Well, they have asked me unfortunately to stay with the microphone—this is recorded—my figure, Mr. Chairman, is that there are about 2,596 units, give or take.

Mr. Ben: Okay.

Mr. Goyette: And the overall density I quoted around seven. Now, I concede that on the 10-acre site—yes, my figures they gave me were something in the order of about 259 units, 240, whatever it goes, and they were asking for 370, which I believe—

Mr. Ben: Was it not 410?

Mr. Goyette: Well, I only have 370 myself, which I understand they are now probably going to withdraw.

Mr. Ben: All right. Well, how many people live on those acreages you developed, in those 2,600 units?

Mr. Goyette: I guess I would multiply it by, what, four? There are private and public; whatever you get, there are about four persons to the family at the most, three or four.

Mr. Ben: For a town of 10,000, do you not think you ought to have put in the facilities that you are now building for your housing units or that you are buying with your housing units? You were warding off criticism that you were buying units that had swimming pools, gymnasiums and the like. We were not criticizing you for that, but if you were warding off criticism and you were justifying your conduct, why was such conduct not justifiable five or 10 years ago?

Hon. Mr. Randall: Well, I will tell you why it was not. It is only in the last month that the federal government through Central Mortgage and Housing Corporation has agreed to a request of ours to include community facilities in their financing.

The first requisite we had in building houses was shelter at any cost. When we started in 1965 to build public housing—and we now house 112,000 people in this province—the first priority was shelter at any cost, and the second was, what kind of

shelter. Now today, after the task force report and after recommendations from us, Central Mortgage and Housing, your government in Ottawa, the federal government, is now recognizing that funds should be supplied for these community facilities.

So it is not entirely the responsibility of this government or the housing corporation to go out and provide those facilities if there is no financial arrangement made with the banker who gets his money back.

Mr. Ben: Oh, tell me, who did you pass the buck to when you—

Hon. Mr. Randall: Wait a minute now, I am not passing the buck at all, I think you should listen to the facts. Listen to the facts, my friend, and do not go back five years and say, "You should have built these amenities."

Mr. Ben: I will agree with you that the federal government did not supply the funds or its share of the funds to do these things, but, tell me, was that an excuse for not doing it? Whose community were you planning? Were you planning the federal government's community or were you planning an Ontario government community?

Hon. Mr. Randall: Let me ask you a question: If we gave away, I think 310 acres here, costing the federal and provincial governments X number of dollars, and then we put housing on there and they paid 50 per cent of the subsidy, and if they said, "You went ahead and built these facilities and did not put housing on there, so we will not pay a nickel toward that increased subsidy because you have used up the land for community facilities," I ask you, do the people of Ontario want to absorb that burden? The answer is no.

Mr. Ben: Let me tell you something, smart guy. You caught yourself talking out of both sides of your face. When the hon. member for Parkdale was speaking and pointed out that 90 per cent of the money has been coming from Ottawa, you said: "And we get back every cent with interest". This is what you said.

Hon. Mr. Randall: That is right.

Mr. Ben: Is it not right?

Hon. Mr. Randall: He is absolutely right.

Mr. Ben: Okay, fine. Just a second, then.

Hon. Mr. Randall: He is absolutely right.

Mr. Ben: If that is the way you do it, it means that the money is coming eventually from the people who live there. Why, then, could you not have been putting in these facilities and having them paid for over the 40 years that you are paying for them at the present time?

Mr. Chairman, to the minister, the money that the Ontario government is putting up for housing also comes back to it, every cent with interest. So there was no doggone bloody excuse for you avoiding these responsibilities.

Hon. Mr. Randall: Not at all.

Mr. Ben: You are right, not at all. I am glad you admit it.

Hon. Mr. Randall: The hooker, my friend, is very simple; that federal government always holds a threat that the 50 per cent subsidy to pick up—the subsidy for the people—would not be paid if we did not conform to Central Mortgage and Housing standards and bylaws.

Mr. Ben: And what, sir, prevented you from buying an additional five acres outside the unit land and putting up a community centre? What stopped you, sir, from putting a swimming pool in there?

Hon. Mr. Randall: Just the taxpayers' money.

Mr. Ben: Just the taxpayers' money? All week it has been cry, cry, cry. To hell with the taxpayers' health; to heck with their welfare; to heck if we are raising a generation of troubled children. It is always the taxpayers' money and it is always pass the buck to Ottawa.

I was at the borough of York the other day and they were crying the same way, that the provincial government should do this, the federal government should do this. I said to them, "Boys, you are getting to the point, the way you are always trying to get somebody else to do something, where eventually, as municipal politicians, you are going to have no responsibility except picking up garbage and paving potholes." Do you know what is happening with you? If you keep passing the buck, all you are going to be doing is doing what the municipalities should be doing. The federal government is going to be exercising your responsibilities. And all of us—

Mr. Chairman: Let us get back to the estimates.

Mr. Ben: All right, we will get back to the estimates.

Mr. Chairman: Have you finished, member for Humber?

Mr. Ben: We have not got away from the thing because—

Mr. Chairman: Are you finished?

Mr. Ben: I am not finished; I have not even warmed up yet.

Mr. Chairman: Then keep to the estimates and you will get warmed up.

Interjections by hon. members.

Mr. Ben: I am not speaking for the press. I am speaking for the benefit of old hard-head there.

Hon. Mr. Randall: It is a good job somebody is hard-headed if you are spending the taxpayers' money, the way you throw it away.

Interjections by hon. members.

Mr. Ben: You did not take that as offensive, did you?

Hon. Mr. Randall: I do not think it is offensive. Go ahead and insult me, I am too ignorant, I never notice it.

Mr. Ben: Now, you said it, I did not.

Hon. Mr. Randall: That is right.

Mr. Ben: Mr. Chairman, this has been the trouble with the whole concept. You are just creating concrete filing cabinets, shoving them in without any consideration for what effect it is going to have on them. In the meantime, the whole housing situation is critical because you do not really carry out your function. You call yourself Ontario Housing Corporation but it seems to me that the sole function seems to be Ontario subsidized housing.

You are doing nothing to keep down the cost of housing, generally, for the people of the province of Ontario. There are many ways that things could be done to drive down housing costs. I do not believe in nationalizing the property as was suggested by one of our colleagues. I believe it was the member for Peterborough (Mr. Pitman). There are ways that you could do it without so doing.

For example, I believe that the Ontario Housing Corporation could buy large areas of land in Pickering, in northern Markham, northern Vaughan and Whitchurch; that this land should be divided as land should be subdivided in good community planning. That is, there should be lots of varying sizes anywhere for 25-foot widths for semis to large

lots for large homes and apartments of varying size and density. I think, thirdly, that we ought to get away from this concept that each house should have its own land and, perhaps, give consideration to the old English concept of the village common, where you have certain communal land and you have the houses built around it.

Hon. Mr. Randall: We think The Condominium Act will do that.

Mr. Ben: The condominium is not quite this concept. I am thinking of a large open space in the centre where, you might say, the houses are built around a common and the common serves as a general area. I believe that one thing that has driven up the cost of houses is the fact that municipalities insist that subdividers put in all the services such as paved roads, sidewalks, storm and sanitary sewers and curbs and insist that the subdivider pay for those.

In other words, the municipalities found themselves in financial difficulties and (a) they stopped putting them on local improvements; (b) when they threw the burden on the subdivider, they made him put in all the services at once. In many, many areas there were no sidewalks and people do not want them. I do not have sidewalks in my area and I have a storm ditch. The road is not of the type that is now asked for by communities, that is with a six-inch concrete base on top of which is a four-inch layer of asphalt, all of which rests in turn on another four to six inches of gravel. To ask that all of that be put in and then have the home buyer pay for it is ridiculous.

This kind of stuff can be done in a number of ways: One, this government can do it and have it done on an amortization basis. I will use the words "amortization basis" as distinct from a local improvement basis because normally, under local improvement, these services are paid for in seven to 10 years, usually 7½ years in the Toronto area. I am thinking of an amortization basis of 20 to 30 years, which is closer to the life of the project than is the 7½ years.

Also, with the government doing this subdivision—putting in these services—they need not put in all these services at once. In other words, they do not have to put in the roads that I have just described, they do not have to put in the curbs, they do not have to put in the sidewalks, all of which the poor home-buyer has to pay for immediately he purchases a home. It is added on to the price; it is included in his mortgage. It means you have to have more and more money for mort-

gages and the like. So this would be one way of cutting down on it.

Thirdly—and in this particular respect I may not be *ad idem* with my friend from York Centre, the previous speaker—I believe that one way of solving the situation if you are going to subdivide all the lands I have mentioned and keep the cost down low, is to make use of the package sewage treatment plant. If you do not use the package sewage treatment plant you are going to obviate the one thing that I am trying to avoid, that is, leap-frogging all the land that is held by the speculators along the periphery of Metropolitan Toronto and other large cities.

There are hundreds of acres of land on both sides of Steeles Avenue which at the present time are not developed; they are being held by speculators. My suggestion is to go to the northern extremities of Markham, Vaughan, into Whitchurch and into Pickering, so that we will bypass all this. If you are going to drag up the services to serve these areas from the lake, then you are going to be servicing this land, and the idea of bypassing it is to drive down the cost—the value—of this land or force them to subdivide it now. If you are going to drag all those services in there, they are just going to bide their own time. You are improving the value of their land, and it is going to go higher.

Furthermore, after you bypass this land you must assess it at its highest potential use. I remember A. J. D. Gray who used to be an assessor for the city of Toronto. He was preaching for years trying to get the government to permit Metropolitan Toronto to assess land for its highest potential use. No way. If we would have had such assessment these people could not have been able to keep the land for five or ten years and have it increase in value.

In this regard—I cannot remember whether it was my friend from Parkdale or my friend from York Centre—I take exception to any developer who has kept land too long since the war. It has just not gone down in value, save and except in certain areas where the increment or increase of value was artificial. I refer specifically to the area around Milton, where the speculators who were in there drove up the price of the land on the conjecture that it was going to be a huge satellite city and it turned out that it was just a small area development. The value of the rest of the land collapsed.

A second example is in Streetsville where E. P. Taylor and his combine went in and it turned out that they were buying hundreds

of acres for a huge development, which is starting to come into effect now, and all the land around there just shot up in value. People lost their shirts when it was discovered that only a certain area was being developed. That was speculative land. It was not being held for development at all. A lot of those people suffered.

After these lands are subdivided, I feel that the boundaries of Metropolitan Toronto should be moved to take in this land. People of Metropolitan Toronto may squawk, taking in all this area, but one reason why the municipalities that I have mentioned will object to this subdivision is the high cost of education.

In Vaughan, for example, last time I spoke with them they told me that a home has to be valued at \$48,000 before they will recover their educational costs for one child. And they oppose new development going in there, unless it is costly redevelopment, because every time they put in a unit and a child has to go to school it costs the existing taxpayers more money. In keeping with this, the government will just have to pick up the tab for education in Ontario, otherwise the municipalities are going to continue to oppose this extension.

In Toronto, as you have read in the paper, the mill rate for general purposes in the city of Toronto actually was less than it was the year before. Nevertheless, taxes on a home assessed for \$5,000 are going up over \$45 because of costs for Metro. It is educational costs that keep getting out of hand and not the general operating costs.

This way we can spread the load for the 200,000 over the people in Metropolitan Toronto, and we will make this thing more feasible. Of course, there are some friends around here who would oppose strenuously the boundaries of Metro being expanded, but then I guess that is open for argument and conjecture.

You cannot just shove these subdivisions out there unless you also supply the necessary transportation facilities. You have to have a composite transportation system which, to my mind, is composed of both rapid transit and expressways. You cannot funnel everybody into one line of thought, nor to one transportation line.

In that regard, if I may just digress here, I just arrived at a new definition of a hypocrite. That is a person who drives all over town with a "Stop Spadina Expressway" sticker on his bumper.

At any rate, you have got to supply the necessary transportation facilities. If you have to subdivide lands to the degree that people who are presently holding land between the land that you will be subdividing and Metro will find it economically disadvantageous to continue to hold on to that land. They will have to start subdividing it, and subdividing it immediately, and as you yourself know, since you represent big business here, competition is the best way—

Hon. Mr. Randall: And small business.

Mr. Ben: Small business?

Hon. Mr. Randall: Big business and small business.

Mr. Ben: The darned trouble with you is you have graduated from big business, to small business, to monkey business.

Hon. Mr. Randall: I started with small business though.

Mr. Ben: At any rate, you are the one who preaches competition. You create the competition. Only you have the money, through the help of the federal government, to buy land in such large acreages. Only you have the money to do the proper subdivision and to bring in the services. Only you have the money to—again, through the help of the federal government—supply necessary mortgage funds.

You are in the mortgage business now, and I applaud you, by the way, for so doing. You have supplied money at considerably lower than the prevailing rates on these condominiums. I do not know if anybody has patted you on the back for that. Have they?

Hon. Mr. Randall: No, they never pat me on the back.

Mr. Ben: You turn around, I will pat you on the back.

Hon. Mr. Randall: No matter what I do, I get a kick in the fanny.

Mr. Ben: No, I must compliment you. I have seen some of your 8.5 per cent mortgages.

Hon. Mr. Randall: I am almost scared to bend over these days.

Mr. Ben: You admit that it has had some kind of an effect and an increase in this kind of situation could only increase the effect and bring housing more within the means of the average wage-earner.

I am going to try to end up, but I just want to say this. I am deeply disturbed that this department has not put enough emphasis on the non-physical aspects of housing. It is true that adequate housing at reasonable price is totally lacking in many areas, but just as they say that a man cannot live by bread alone, I am sure it holds that man cannot live simply because he has got a brand new sparkling apartment alone. There are other things that keep us going.

Unfortunately, this has been too much disregarded in the past. We are doing nothing to improve—well, I keep on saying “the moral situation.” Everybody thinks that I have become a clergyman, which I am not. But the fact is that there are other things that have to be looked after. There are mental needs, there are social needs that also have to be looked after, and not enough of this has been done in the past.

As I say, I am happy you are doing that now. You are starting to supply some of these facilities and some people in the community will accuse you of wasting money on frills. Believe me, they are not. These are something that I hope is going to produce a better citizen in the long run, but I would suggest that you had better start supplying these services to the existing units that you have spread out throughout Ontario.

I am not satisfied for you to report that there are so many thousands of units under construction and so many more thousands are planned. That does not stir me at all. It is when I hear you say that you are putting up a unit that contains these facilities, and these facilities, then I say, “Maybe the guy has got something under that—there may be snow on the roof, but there is still fire in the hearth.” I am going to leave it at that.

Hon. Mr. Randall: Mr. Chairman, may I just answer a couple of things that the hon. member mentioned? First of all, I think in the press today one of the ministers in New Brunswick accused Ontario of using 93.5 per cent of all the funds available since 1963 to date and the man is absolutely right. Ontario has got an economy that can afford to take advantage of federal programmes. Sure, we used all the money they had available. The first time I talked to the first housing minister—the chap who lived in North Bay who died; I cannot think of his name—

Mr. Goyette: Mr. Garland.

Hon. Mr. Randall: Garland. He said, “I have got half a billion dollars for housing and nobody will take a dime out of it,” so I

tried my best to take every dime I had while it lasted and succeeding federal ministers found that I was very receptive to any monies they had available.

We recognize that it has to be shared with the other provinces and if they can come into the housing picture, we are quite prepared to see them come in. In fact, we have helped many of them set up a housing programme.

The second thing, Mr. Chairman, is that we recognize the difficulty of some of the municipal bylaws and we are not interested in gold-plated services either. In some of the smaller towns we have got them to agree that they do not need sidewalks, they can use storm ditches and what-have-you. I live with those myself in York Mills. I had a septic tank in York Mills; I know they work very well. You would not get away with it today around Metro Toronto as you can recognize.

As far as the package plants are concerned, regardless of what you say, there are still major septic tanks and it is my understanding from talking to the former Minister of Health, the member for Ontario (Mr. Dymond), and others, that no matter what happens to the treatment of that sewage, when it comes into the pond where it is eventually dumped, or into the Credit or into the Don, it retains a nutrient that creates pollution and this is one reason why the water resources commission has been very reluctant to permit package plants in areas such as Vaughan and Markham. I have talked about this with engineers and with our people for the last three years.

Mr. Ben: The point is—

Hon. Mr. Randall: No, I just want to finish. The point is that I think I said in my submission that package plants could do a better job than septic tanks for the time being, provided we knew that eventually, as my friend, the member for York South (Mr. MacDonald), has said, sewers and water will be available in those areas. We have talked along those lines, hoping that it could be a way to house many thousands of people in an area today that is unproductive—perhaps the north part of Metro.

Mr. Ben: If I may just interrupt you. I thank you for answering these things, but I would point out that the treatment plants in Metro Toronto, which also service the Bramalea area, do not take the nutrient out of the sewage. It goes in there with just as

much nutrient as would a package plant; no more, no less, for that matter.

Hon. Mr. Randall: The only thing is the water resources commission does not want any more of them.

Mr. Ben: Well, the fact is it is no worse than the existing sewage treatment plants, and I might point out that the secondary treatment plants in the metropolitan area, after they treat the sewage—and this subject may not be to some people's taste—the water that leaves the treatment plant is safe enough to drink; it is chlorinated and safe enough to drink. It is cloudy, but if you let it stand so the sediment settles, it is just like the water that comes out of a tap, because it is so treated. And I would suggest that the package treatment plant could also offer the same type of treatment to the effluent going through there. Our sewage here is a mile out in the lake—the pipes go away out that distance—but it is still treated to that degree, and the Ontario Water Resources Commission now requires that. I am sorry I interrupted you.

Hon. Mr. Randall: The last point I wanted to make was on land accumulation. As you recognize, the federal government had some problems, and we recognize them too, as regards funds being available. This year alone we are putting up nearly \$23 million on our own to buy land in the province of Ontario, and the federal government has put up \$13 million. This is all they have to spend. We know they have some problems, and they are trying to share it across the country. But what I am trying to point up is that over the past years I think we must have spent almost \$50 million in provincial money in land assembly in order to continue on with housing, particularly the HOME programme, because the federal authorities were not prepared to participate.

We have not neglected the fact that we should do something for ourselves, but there is a limit on how much money is available. I just give you those figures to indicate that we put up almost twice as much this year as the federal government, recognizing they have some problems. But we do not have all the money to do all the things we would like to do.

Mr. Ben: How many single-family dwellings have you bought in the last year?

Hon. Mr. Randall: We have not bought any, because what has happened, as you will

recall, is that about a year ago, I think it was, the federal government said they would be prepared to come back into the business of letting us buy units already built, as we started to do back in 1965 before we got our housing programme started. Then, later on, in talking to them, we pointed out that in the city of Toronto there is less than two per cent vacancy in apartments and if we went out buying apartments, I think all we would have done would have been to jack up the rents for the people who have to rent apartments at the present time. I think we would have created another shortage in apartment living almost overnight. If that was five per cent, which is harder to get to, then I think we could have moved in and bought some units, be it single-family or town housing or apartments, as we did up in Flemingdon Park.

Mr. Ben: When you started to buy apartments in the metropolitan area, the vacancy rate was less than one per cent.

Hon. Mr. Randall: Not necessarily.

Mr. Ben: But that is not the point I was trying to make —

Hon. Mr. Randall: In any event, I do not think that with the shortage of mortgage money today for the private developer, as you know, a lot of housing has been cut back, particularly the private developer's housing. And we would be making a mistake for the people who are depending on private agreements or private leases to go out and buy up any excess housing that is available today.

Mr. Ben: The reason I am asking about buying private single-family homes is that I believe that children of large families or growing families ought not to be in these concrete filing cabinets. If they have more than three children, then definitely you ought to be seeking private dwellings for them scattered throughout the community. I do not think that raising four children in an apartment in some concrete high-rise is in the best interests of those children.

Hon. Mr. Randall: I think you would find most of those people are now going into town housing and condominiums. There are very few people—

Mr. Ben: Condominiums and town housing, yes.

Hon. Mr. Randall: Yes.

Mr. Ben: I think you should distinguish because you are assisting in some condominiums and town houses. In that I concur. I just do not concur in having them in high-rises. Whether it be condominium or not, is—

Hon. Mr. Randall: I think most of our people are going into town houses; not too many going into high-rises. We recognize you cannot put families in high-rise apartments; that is, big families. We are putting adult families into apartments in some cases, but not with small children.

Mr. Ben: Have you any units, high-rise units, in a high-rise development which are reserved exclusively for senior citizens?

Hon. Mr. Randall: I am sorry, I did not hear that.

Mr. Ben: Do you have any buildings in subsidized housing complexes where such buildings are reserved exclusively for senior citizens without children or with no children living in them, while in other buildings in that complex children are allowed? Do you understand what I am trying to say?

Hon. Mr. Randall: Yes, you mean having it mixed in some buildings?

Mr. Ben: That is right.

Hon. Mr. Randall: Yes.

Mr. Ben: Do you have such—

Hon. Mr. Randall: I think we can point out that the 250 Davenport Road property where the George Hees plant was is all adult people—single and couples, primarily without children. There may be a son or a daughter of adult age, but there are no children in that building whatsoever. That was brought out when somebody said, "Well, you are putting children in there with no school facilities." We pointed out they are all senior citizens in that area. In the city here, as you recognize, we do not build senior citizens units in the city. They are built by Metro at the present time. Metro is looking after senior citizens.

Mr. Ben: I am afraid you lost the point there, Mr. Minister. What I would like to see is an area that is developed for subsidized housing like the Ontario Housing Corporation complex. Let us say that there may be ten high-rises or five high-rises in one large area. But in that complex, one building would be reserved exclusively for people without children. In other words, if the senior citizens

wish to remain in the community where there were children around, they could do so without necessarily having children living in their building.

Hon. Mr. Randall: Mrs. Meredith would point out that that does happen. Mrs. Meredith, would you like to make a comment on that?

Mrs. B. Meredith (Ontario Housing Corporation): Mr. Chairman, I am not quite sure of the question. I am not sure of the situation in a planned community where there is public housing. For instance, we will take Warden Woods, if I may, in Scarborough. The Ontario Housing Corporation has both row houses and high-rises for families, but the Metropolitan Housing Company Limited has a senior citizens' building within the same area.

Now in Metro Toronto, as the minister explained, Metropolitan Toronto Housing Company Limited, is responsible for all senior citizens, but Ontario Housing Corporation has one adult building in Metro Toronto at 250 Davenport road, with 540 approximately units, which is confined entirely, and housed entirely by adults. Was that your question?

Mr. Ben: It is all right. Is there, for the sake of an example, an area that you have developed, where you put up five apartment buildings? You could call it six or seven if you want to. I just stopped at five, all in a group. Was one of those buildings, it could be a 12-storey building, reserved exclusively for people without children?

Mrs. Meredith: That would be outside Metro Toronto, sir.

Mr. Ben: Where?

Mrs. Meredith: In Hamilton, or almost any place outside of Metropolitan Toronto. Then you have 41 municipalities and then you also have those particular buildings that are exclusive for adults only.

Mr. Ben: And they are surrounded by buildings which are mixed?

Mrs. Meredith: Yes, we have in several areas, mixed. In fact, Kitchener is one of them. We did have several conferences when we asked senior citizens if they would prefer this mixed. It had been suggested that the older people might like to live in an area where there were families, but separated. It was the older people who requested that they not live in the same municipality. In Windsor,

for instance, we did go into this. Windsor is an excellent example.

Hon. Mr. Randall: One other thing, in our breakdown of the people on the waiting list, 68 per cent require bachelor, one-bedroom and two-bedroom. When a man builds an apartment house, as you can recognize, to get the economies of space, he has to make different size apartments in order to utilize the square footage allowed him for an apartment house. Then there is 22.4 per cent for three bedrooms, 7.3 for four bedrooms and 2.7 for five bedrooms. The great majority of people who are looking for accommodation today, are not necessarily people with large families.

They are people, maybe, elderly people or people without children or maybe one youngster, and 68 per cent of those people on the waiting list break down under those categories. To give some indication—if we are building a building, and I think this is so for almost every apartment you can think of, the builder, in utilizing the space available to him in that particular square footage, will build different bedroom counts. If we do have a mix in there it is because of the fact that we get a different bedroom count.

Mr. Ben: Mr. Minister, if we follow the reasoning, and I see those figures and this is what prompted me to raise the points. Since barely 10 per cent, just over 10 per cent, require the latter two kinds of accommodation, why not supply that accommodation by buying single-family homes, three- or four-bedroom homes, because that is what is required? In these apartments the space that would be required to house such families could, in fact, supply three bachelor or one-bedroom areas.

Hon. Mr. Randall: We think we are supplying that 10 per cent in our condominium programmes today quicker than we could if we went out and bought units on the open market.

Mr. Ben: Come on.

Hon. Mr. Randall: All right. You can take a look at it, but I just suggest to you that when you look at the mix, everybody thinks that public housing houses people with flocks of youngsters, which is not quite true. As I pointed out to you, the majority of people do not have youngsters but they have major economic problems; that is why they are on the waiting list.

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. B. Newman (Windsor-Walkerville): Thank you, Mr. Chairman. I have a whole series of questions I would like to ask the minister and then a short comment to make.

May I ask of the minister how soon the residents of the Glengarry Court apartments can expect the additional amenities? For example, two years ago they asked for approximately \$130,000 worth of amenities which included a substantial park in the area, which has been provided; plus athletic facilities, including a swimming pool, shuffleboard courts, and a day-care centre. Now that day-care centre is not available, they have asked for some type of a common facility which they could convert to a day-care centre, and meeting rooms. When can they expect these facilities to be provided for them?

Hon. Mr. Randall: Do you want me to answer it now?

Mr. B. Newman: Yes.

Hon. Mr. Randall: Mr. Riggs, would you make a comment on that for the member, please?

Mr. R. W. Riggs (Ontario Housing Corporation): Mr. Chairman, with the announcement from Ottawa on the new regulations concerning amenities and facilities, we entered into negotiations with the Windsor housing authority who are responsible for the administration of that project. We are now working out a programme which will be submitted to Central Mortgage concerning the expenditure of funds concerning the various facets of this programme and the time in which it is to be implemented. This will be done as quickly as possible with the Windsor housing authority's board of directors and inspectors.

Mr. B. Newman: When Mr. Riggs mentions "as quickly as possible," what does he have in mind, as far as time involved is concerned? From your experience with other areas how long a period of time do you foresee or envisage?

Mr. Riggs: In working out the programme, which would be the first phase, sir, I would think in terms of three months. In terms of implementation, this is partly at the discretion of the federal government, and I would not like to say at this time how long it will take for it is a major programme such as we know it to be.

Mr. B. Newman: All right. May I ask of the minister whether he has looked into the use of the Prince Edward Hotel as housing for senior citizens?

Hon. Mr. Randall: Yes. I think that I will—

Mr. B. Newman: May I have your answer Mr. Minister?

Hon. Mr. Randall: I think that our people have looked into it and I think Mr. Riggs is the man responsible if we take it over, to tell you what we found wrong with it and what we find right with it. Would you like to comment, Mr. Riggs?

Mr. Riggs: The Prince Edward Hotel is one of the longevity hotels in the city of Windsor. It is a very large structure, a very old structure and it is on a very important corner in your municipality. The cost of renovating the building, converting it into reasonable-sized accommodation, would, in our cost estimate, exceed the cost of erecting a new building and putting in amenities in keeping with the recommendations of both this government and the federal government in recent pronouncements. At this point, it is an economic consideration and one which has the greatest bearing on any possible purchase of that property.

Mr. B. Newman: Mr. Chairman, if I may ask Mr. Riggs, how about if only a portion of the building was taken over, one or two floors so that you could accommodate the tremendous need for senior citizens and other types of housing in the community, rather than get involved in a very expensive complete refurbishing of the hotel?

Hon. Mr. Randall: You know that there are 400 suites going up there now?

Mr. B. Newman: I beg your pardon?

Hon. Mr. Randall: You know there are 400 suites, I believe, going up there now?

Mr. B. Newman: Yes. Likewise, I know there are 732 needed. I should not say 732. There are 1,132 additional senior citizens housing units needed, according to your recent survey, and 736 family units. So you see, we are not even close to meeting the demand. My thought is that, if it is economically possible at all to take over some portion of the hotel—if not the entire hotel—the department should certainly look into it and implement or provide this type of housing for the senior citizens. It is no good having the facility just dry-rotting on the corner of Park Street and Ouellette. I am sure that someone eventually is going to take it over. According to Mr. Riggs, it is not economi-

cally possible or feasible for the provincial government to take it over.

Has the department looked into the possible use in the community of St. Mary's Academy for housing or the Redemptorist College? Both of these are going to be phased out within the next year, or so, and also their substantial institutions and buildings. I do not know if they would lend themselves to housing, but if they would lend themselves, I certainly think that they could fulfil part of the need in the community. Could I have Mr. Riggs, maybe, provide me with an answer to that?

Hon. Mr. Randall: Talk about the hotel, sir, as well.

Mr. Riggs: I think the corporation has looked at two hotels in Windsor.

Mr. B. Newman: The Prince Edward and the Norton-Palmer?

Mr. Riggs: Yes, sir. We have also examined the liability economically of St. Mary's Academy. It is somewhere well in excess of 40 years of age, and once again would require great expense in remodelling.

Mr. B. Newman: No, it is only 30 years old.

Mr. Riggs: In looking into it now, once again there are extensive renovations to be made to turn it into senior citizens accommodation.

On your other point, I think in our conversations with municipal officials in the city of Windsor, combinations of leasing suites would always be a consideration, so long as the use of the building could be changed from what it is today. The suggestion that you have made, of possible utilization of a building which has been renovated by private interests, which I think is what you were inferring, sir, would not be impossible, and that could probably be very adaptable to getting additional units in Windsor and various locations.

Mr. B. Newman: You did not make any mention of the use of the Redemptorist College there.

Mr. Riggs: I do not think, to the best of my knowledge, that particular property has been brought to our attention.

Mr. B. Newman: Can I ask you, then, to look into it? I do not know if it is available at all at the present moment, but it will be within a year, I understand.

Hon. Mr. Randall: How much acreage is in it, do you know?

Mr. B. Newman: My interest is housing for not only senior citizens, but housing generally in the community.

Hon. Mr. Randall: Do you know how much acreage this is?

Mr. B. Newman: I beg your pardon?

Hon. Mr. Randall: Do you know how much acreage this place is sitting on?

Mr. B. Newman: No, I am not familiar with that.

Mr. Riggs: I will certainly look into it.

Mr. B. Newman: May I then also ask the minister, if the department is, at the present moment, building up a land bank in the community for future housing developments?

Mr. Goyette: Yes, we have got serviced land, which at the moment is almost a form of land banking. There is an adequate supply for anybody who wants it at the Fontainebleau subdivision. Secondly, we have acquired another acreage; we do have some land banking, there is some over by the railroad on the east side. But we do have land banking, sir.

Mr. B. Newman: If we are going to place any credence in the Doxiadis report on the megalopolis concept of the development from Milwaukee right through to Quebec City, we are going to need housing as the area is going to expand tremendously within the foreseeable future.

To prevent the continuous rise in the cost of land, it would probably be in the best interests of all concerned if the province would at this time attempt to purchase or take options to purchase large tracts of land just outside the present boundaries of the city of Windsor, perhaps, and hold them for future development. Has the department any of this concept in mind at the present time? Are you preparing for the Doxiadis concept of the megalopolis—

Hon. Mr. Randall: No, to be honest with you, I do not think we have gone that far, looking at the Doxiadis report. I suppose one of these days it will be given consideration, but at the present time, no, we are not looking at it.

Mr. B. Newman: Has the minister ever given consideration to a rent subsidy programme for senior citizens? As it is today a senior citizen is subsidized when he gets into

government housing. A lot of them who are unable to get into housing, as a result are being penalized—those who get into senior citizens housing will pay anywhere up to approximately 20 per cent of their income for housing. Would you not consider it to be fair to subsidize any other senior citizen who cannot get housing at the present moment to the same extent that you are subsidizing those who are able to get housing?

If one can get housing, one with a total income of \$111.41 is able to get housing for approximately \$30 or so a month by getting housing from the provincial government. Should another individual who is not fortunate enough to obtain government housing, not be treated in the same fashion by having his rents subsidized as in public housing?

Hon. Mr. Randall: That is a new point. It is almost like a form of guaranteed annual income, as you will recognize. We take the people on the lower strata for public housing, particularly senior citizens. In your town today, in the planning stage, there are 732 senior citizens units being considered which will no doubt go through. In the proposal stage there are 220 family units in the proposal stage which will go through shortly and under construction—

Mr. B. Newman: Mr. Minister, you are not answering my question now.

Hon. Mr. Randall: Wait a minute. I am going to answer your question in just a minute. Under construction there are 175 family units now and there are 400 senior citizens units being built, which is 575. When that project is completed, as asked for by the Windsor municipality, you will have 395 family units and 1,132 senior citizens units for a total of 1,527, and we have 91 acres now in Windsor to be developed as a land bank and we have 289 lots on the market at the present time. What you are asking me is, concerning people who can get in the public housing at the present time are already subsidized, but the people who have to wait and cannot get in on, say, the bottom of the list, are we not prepared to subsidize them? I would say at the present time the answer is no.

Mr. B. Newman: Are you not giving consideration to treating them in the same fashion as you are treating those who are getting the government-subsidized housing? Do you not think it is only fair that you should treat all senior citizens alike, especially those on a fixed income?

Hon. Mr. Randall: It is a very commendable approach, but at the present time I do not think it is acceptable to the government to subsidize people who are waiting for public housing. The thing to do is build the public housing for the senior citizens as quickly as we can, which is what we are doing.

Mr. B. Newman: That is all well and good, but up until the time you have sufficient senior citizens housing in the community, you are requiring those on this fixed income to deprive themselves of the bare essentials with ever-increasing costs for rental in the community.

How does one on \$111.41 get by when he has a rental to pay of as much as \$125 a month—as much as that, and I am not kidding.

I am not saying that many are trapped in that price bracket, but I received many letters and I would say possibly hundreds of telephone calls from individuals in the community who just cannot get by, and so what do we do? Provide them with welfare? A lot of these people are too proud, but they would certainly like to be treated in the same fashion as we treat those to whom we give government-subsidized housing, and I think you have to.

Mr. Minister, you are the type of individual who should have no difficulty impressing upon your colleagues, you being the super salesman, that it is a matter of justice that we care for our senior citizens who cannot get accommodations because of the lack of accommodations in the community. We should provide them with a rent subsidy so that no more than X-percentage of their income is spent on housing, and if you give them housing or provide them housing in a government project, I think you should subsidize their rentals in any other part of the community to that same extent.

You are not being fair to them, you are penalizing them in the golden years of their life. In the years in which we, who have the responsibility for legislating, should be going all out in allowing them to live the balance of their few years with a sense of respect and in decency. May I ask of the minister if he is considering an interest subsidy plan to provide accommodations for people on low income?

Hon. Mr. Randall: No, at the present time there is no provision for a subsidy on rentals, although I mentioned in the Legislature the other day, in a case where we were selling public housing to tenants already in public

housing, depending on their present income, that we suggested to our federal friends—and I think that they are in accord with us—that the interest rate could vary with a man's income.

In other words, if he is earning \$4,500 a year let us assume he paid five per cent interest. If his income went to \$6,000 a year, he paid six per cent interest. This seems to be a fair way of looking at the sale of public housing to the present tenants if you have some of this category in your area. I think you would recognize this would be a good way to get them started into home ownership.

The only way you would subsidize, as I pointed out, is by looking at their present income, which is geared to income, and when we swing them over on to purchase, then we could take a look at the interest rate factor there, and I think the federal government would be interested in discussing it with us.

Mr. B. Newman: Is the minister aware of the U.S. federal housing programme 235?

Hon. Mr. Randall: I am not aware of all the programmes. We have quite a bit of information filed, I am sure my friends would be—

Mr. B. Newman: I would like to put it into the record, Mr. Chairman, so that others may know just exactly what it does as far as providing housing to those on an extremely low income.

I am reading from a press report in the *Detroit Free Press* of April, 1970, where a couple with a son moved into a \$17,500 home they paid only \$200 move-in costs and their monthly payments are \$104.25. This includes taxes and insurance, and they are purchasing the home in this fashion paying a two per cent interest on a 30-year FHA mortgage.

Now the qualified buyers on the 235 programme are provided a subsidy on the interest rate. It means that instead of paying eight and a half per cent, the buyers can pay as little as one per cent interest. This is provided by The Housing and Urban Development Department of the federal government, the federal government footing the difference in interest rates between the conventional interest rate and what they are paying. Under this programme, \$7,000 is the allowable maximum gross for a family of three living in a community of about 40,000 people; that is the city of Ypsilanti, Michigan.

In Detroit, the maximum income for a family of three is \$7,020 to qualify for the

programme; in Ecorse, which is a suburb, the maximum is \$5,940.

Another qualification is that families cannot have more than \$2,500 in assets, including savings, stocks, bonds, real estate or personal property. Now, under the programme, the mortgage lender has his income rechecked every two years and if his income has increased significantly, his monthly payments may be revised. Thus, the government decreases its subsidy and the buyer increases the amount of money he has to pay.

You cannot buy a high-priced home under this 235 programme by the Federal Housing Administration. In fact, at the time of the writing of this article, they make mention that the maximum selling price was \$17,500. When I look at this, and see the city of Detroit with a suburban population of well over four million, a city that I would say would compare favourably with the city of Toronto—there may be a little larger population than we have here, but with the problems that might compare favourably, you find that government has been able to provide housing to an individual, with that individual only providing \$200 move-in costs.

I think we have to look very seriously at the type of programme that our friends to the south of us have in their attempt to provide housing. I understand it is a fairly new programme; it has not been widely advertised, but it is one that I think Ontario Housing should look at fairly closely and see if we cannot implement some portion, or portions, and maybe even the whole programme, in our attempt to provide decent housing for all our people.

I understand that Mr. Riggs is familiar with the programme. And, by the way, his dad, with whom I am very familiar; a very good mayor in the community not too long ago, has made a real contribution, not only in the field of housing, but in the general political life of the community. So I think if the son is a chip off the old dad, he will be a very fine fellow.

May I have Mr. Riggs' comments concerning the programme, now that I have buttered him up?

Mr. Goyette: Mr. Chairman, now that the member has played that game on my colleague, I think I can only come to his defence and not put him in the position of being compared with his father. We too know him on our staff and we are delighted and he is a most effective person.

I think you made some comments. Mr. Riggs has something to add, that this did not

come off very well, but I answered and not Mr. Riggs.

You are really talking, I guess, in the area of the subsidized home ownership. We do not know too much about the plan 235 in the States. We do know that there have been something like 22,000 starts out of about 1.5 million starts. I suppose if we translated that into province of Ontario terms, it would be something in the order of 1,500 units.

Mr. B. Newman: But you surely are aware that it is only a new programme, so you cannot use such statistics at all.

Mr. Goyette: No, I think that there is some merit in what you are saying. I am not really on the defensive position here; I think it is something to be considered, I think, in the whole portfolio of various housing programmes.

I suppose in the province of Ontario we are expressing that, in some way, by maybe having our HOME programme under the lease programme, where we have a help instead of a subsidized interest rate. We probably help by leasing the lot and renting it to those families who have a down payment difficulty.

Besides that, I think too, that we may be expressing this as a start. At that time, when the public housing units in the single family form are sold to the existing tenants—and certainly, as mentioned earlier, that would be one expression I think of subsidized home ownership.

I think there is some validity to some of the points you are making. Maybe on a long-term basis the costing might be a little less if one were to gamble on inflation. I think if one were to gamble on inflation, it may well be that a mortgage amount payment and the rate might meet at some point about year 11 or 17.

In the United States, this is one of their forms of public housing—I think that they put it into the bundle of public housing programmes, along with the subsidized programme. They have been operating, I guess, at about 6.7 per cent per thousand of population, whereas in Ontario we have tended to give the emphasis on new housing starts in the public sector to get caught up where much was not done before. Our starts have been in the order of about 11.1 per cent.

I think that what you are saying is something that may well be useful as part of the portfolio of a housing programme. We are just working on it and it is something we will look at.

Mr. B. Newman: What does Mr. Goyette think of the FHA 235 programme? What is your opinion on that? Let us forget about the fact that it has not been too popular, or that it has not produced as many homes as we would have liked because of its newness. Is it a good programme or not a good programme?

Mr. Goyette: I find it very hard, just at the moment, to make a subjective decision plus or minus. I think it is a good idea. I think from the little I know about it they are having some difficulty in having the people relate to the programme. In other words, can you still buy your own house and will the people themselves do it? Will they go through the repairs?

We had something like this, you see, in urban renewal in Canada. You may know there was one attempt that within an urban renewal area a person might get a loan under The National Housing Act, and, while the terms were the current NHA terms, certainly the lending value placed on the house was of a sufficiently high order to dispose of any earlier mortgages. It is my understanding that under that Act, only two loans, I think, were made in Canada.

So, I think in principle—and this is my generalization—it has some merit. It remains to be seen whether people use that section to their advantage and, apart from that, we really have been concentrating on our own programmes.

Mr. B. Newman: May I suggest, Mr. Chairman, to the minister, that he consider a pilot project in some community on the terms of the U.S. FHA 235 programme? Let us see if you can provide accommodation for an individual for a \$200 move-in cost and for a little over a \$100-a-month payment which includes taxes and insurance. If they can do it, as I mentioned, in the city of Detroit, I certainly think that we should be able to do it in a lot of our communities across the province of Ontario.

In the Toronto area, where land prices are excessively high, it might be out of the question, but there are communities in which I think that we should be able to provide housing on a similar basis, or quite similar basis, to what they are able to do in the United States. And I would say, as this programme becomes more known to the public in the United States, that more and more will take advantage of the programme.

An individual will always take care of his own accommodation far better than he will rented accommodation. I think had we taken

advantage of selling the accommodations that we have in some of our cities to the tenants, we would have had far better attention paid to the accommodation and maybe less damage, destruction or over-use of the accommodations.

May I ask of the minister at this time, if he will consider this U.S. 235 programme, have his officials study the thing and see if it cannot be implemented in Ontario, at least on a pilot project basis? Can I have that assurance from the minister?

Hon. Mr. Randall: Let me just say this. We will take a look at it. But let me point out to you that we are already doing something in a similar line in Ottawa at the present time. We had a housing development up there which we agreed with the federal government to divide; some would be rental, some would be sold. The houses are \$16,000 on land provided by the partnership at the interest rate of six, seven and eight per cent. Families will move in there paying in the neighbourhood of the amounts you are talking about here, and I think that is a pilot project that is under way right now.

The interest rate may not be as low as you just mentioned here, but I think this is an attempt on the part of CMHC and ourselves to see if this programme can work out to lower income families. I said, and I say again, that the answer is not more public housing; the answer is more ownership of public housing by the people themselves at prices or at least within limits that they can afford without taking food off the table or watching children go without clothing. So we have a pilot project. But I assure the hon. member, I will take a look into the programme he has mentioned and see what the facts are there.

Mr. B. Newman: Mr. Chairman, when I see a person with an income of \$5,940 able to purchase accommodations for himself, I think that type of a programme certainly is worthy of real serious consideration. I think we should attempt to implement it. The Ottawa programme that the minister mentioned, with a seven per cent interest, does not compare at all. In this case the interest is as low as one per cent. And as the income increases, then the interest rate increases. It is subject to revision every two years. I think we should look quite seriously at this and I hope that we can come up with some similar type of programme if not that type of a programme.

May I ask of the minister when we can expect the homes in the Bridgeview and

other subdivisions in the city of Windsor to be put up for sale to the tenants? This was promised to them originally in 1967—that they would be up for sale within the next two weeks—in 1967, Mr. Minister. You were the minister at the time, and if you wish I can read the quotes on the time when the homes were going to be put up for sale to the tenants.

Interjections by hon. members.

Mr. B. Newman: May I ask of the minister, when we can expect—

Hon. Mr. Randall: I do not recall. You have the facts. I do not recall ever saying they were going to be sold.

Mr. B. Newman: I did not say you said it, Mr. Minister.

Hon. Mr. Randall: Oh, I see.

Mr. B. Newman: I said it was said in 1967. In fact it was used as a campaign promise in 1967 but it backfired on you fellows.

An hon. member: Did you say it?

Mr. B. Newman: Did I say it? I would never say a thing like that; I am not government.

Hon. Mr. Randall: I can assure you that as far as I am concerned I am an advocate of selling public housing to the tenants and I have indicated that in the last two and a half years. As you know, I go back to the first project we got through in Guelph, and now we have got the federal authorities to agree to another 1,000 units. Insofar as an exact date on the units you are referring to, I will have to confer with my colleagues here and see if they can give me any idea when they will be priced, serviced and ready for sale. Have you any idea, Mr. Riggs?

Mr. Riggs: Yes. I can talk on the subject particularly as to the Bridgeview homes. As the minister has mentioned here, CMHC after some nine months have finally concurred to allow this corporation to place on sale approximately 1,000 units, including our recommendation of the Bridgeview homes.

I believe it was mentioned last year in September that the corporation had submitted to CMHC a list of 5,000 units throughout the province of Ontario that we had recommended for sale. We have finally, within the last three weeks, received approval to proceed with 1,000 but we must

secure on an individual basis, project by project, to proceed. One of the projects is Bridgeview.

We are now processing project by project through Central Mortgage and Housing Corporation with certain details that they want. I will name these details, such as the range of incomes in that project, the waiting list in that municipality, as to whether or not it is available to sell such housing and we are processing this material for their approval. Once we have received this approval project by project, I would assume that the sales will take place as expeditiously as possible. That is the state of the situation on sales at this point.

Mr. B. Newman: May I ask specifically of the Bridgeview project, have they been approved by Central Mortgage and Housing and by you people to be sold to the tenants?

Mr. Riggs: The corporation has approved the sale; we have recommended to CMHC who have not, to date, concurred.

Mr. B. Newman: You know, I have heard this buck-passing so damned long from you people, and when I use the word “damned” I use it advisedly, because I have had letters from CMHC that say—in fact here is one: “As soon as a concrete proposal is received from Ontario Housing Corporation it will be considered by Central Mortgage and Housing Corporation.”

Hon. Mr. Randall: What date is that?

Mr. B. Newman: That is January 15, 1969. There you are and I could show you some back in 1968. I have asked you this question in the House, Mr. Minister, for three years now and you have given me the same answer.

Hon. Mr. Randall: No, no, no.

Mr. B. Newman: Yes. “Next week I will tell you.” Do not hand me this baloney. Tell me when you are going to have them up for sale.

Hon. Mr. Randall: You gave us a date of January, 1969, and the minister—

Mr. B. Newman: That is only the latest one. I gave up after 1969.

Hon. Mr. Randall: —the minister in Ottawa did not make a confirmation of that statement. He never committed himself until about a month ago or six weeks ago at the outside. Right? As soon as he committed himself, we took a look at the units you are talking about,

and as Mr. Riggs said, it is one of the first we have submitted.

Mr. B. Newman: I have heard that story. I do not believe you people in your comments because you have not carried out what you said in the past.

Hon. Mr. Randall: Will you do me a favour?

Mr. B. Newman: I have asked you before—

Hon. Mr. Randall: Will you do me a favour?

Mr. B. Newman: I have asked you before and you said we are going to sell them next week or a week or a month later and you never held to it.

Hon. Mr. Randall: I cannot tell you. Will you do me a favour?

Mr. B. Newman: Yes. I will always do you a favour.

Hon. Mr. Randall: Will you write Ottawa again and see what they tell you?

Mr. B. Newman: Instead of that, you phrase the letter the way you wish it. I will have it typed out in my name. I will send it to them and I will come back with an answer. They will not even know that you are asking it.

Hon. Mr. Randall: You are a member in good standing; you write them and see what they say.

Mr. B. Newman: I will do you a favour. I will go one better. You phrase it in any way you wish. I will not change it at all and I will ask my colleagues in there and see what type of an answer they will give me.

Hon. Mr. Randall: All right.

Mr. B. Newman: I will be glad to do that because I—

Hon. Mr. Randall: You have got a deal.

Mr. B. Newman: —because you are foot-dragging on this thing.

Hon. Mr. Randall: No, not us.

Mr. B. Newman: You should have had those out for sale long ago. Is that not right? Even your own colleagues here agree with me on this.

Hon. Mr. Randall: You would not have had it at all if we had not—

Interjections by hon. members.

Mr. B. Newman: The member for Renfrew South (Mr. Yakabuski) even agrees.

Interjections by hon. members.

Mr. B. Newman: Let me tell you. If some of you fellows had one iota of the ability that Paul Martin has, you would not be sitting where you are now. You would be in the boardroom.

Interjections by hon. members.

Mr. Chairman: A little order here. The hon. member for Lakeshore (Mr. Lawlor).

Mr. B. Newman: I still have a few more items and then finish off with the minister.

Mr. Chairman: All right.

Mr. Newman: May I ask of the minister when he can foresee the demand for senior citizen housing fulfilled in my community?

Hon. Mr. Randall: I think I mentioned there were—was it 300, no—1,500 and some odd in senior citizens—

Mr. B. Newman: You have got 400 coming in 1970 and 332 planned in 1971 but the request is for 1,132.

Mr. B. Newman: How many have you got now? You have got 400 plus 300?

Mr. P. Lepik (Ontario Housing Corporation): Pardon?

Hon. Mr. Randall: We have 400 under construction now, and as soon as we can get a site the municipality has asked us for another 732 just recently. How long ago?

Interjection by an hon. member.

Hon. Mr. Randall: Two weeks ago the municipality asked us for another 732 in view of the survey that they took. We are prepared to provide them as quickly as we can get the site.

Mr. B. Newman: I think you are a little mixed up there, Mr. Minister, because your recommendation says 732.

Hon. Mr. Randall: No I said there were 400 already under—

Mr. B. Newman: Four hundred for 1970 is what you have in your recommendation.

Hon. Mr. Randall: There are 732 more to go.

Mr. B. Newman: And 432 in 1971.

Mr. S. Apps (Kingston and the Islands): Mr. Chairman, I would like to get this cleared up. Are we on a specific vote or does everybody take his turn and ask questions?

Mr. Chairman: We agreed to take 2209 and 2210 and ask any questions on those two votes.

Mr. Apps: So we wait till we get our turn.

Mr. Chairman: You wait till you get your turn.

Mr. Apps: Then is it necessary to stay here all the time, Mr. Chairman?

Mr. Chairman: No, no. If you want to go out—

Mr. Singer: It is entirely up to you.

Mr. B. Newman: May I ask of the minister, through you, Mr. Chairman, you still have not answered my question. When do you foresee that you will have accommodated the senior citizens in the Windsor area? Your latest report, and that is back in November, 1969—as of November, 1969—states that there is a demand for 1,132 senior citizens' dwellings. You are accommodating 732 in your two statements.

Hon. Mr. Randall: Yes, there are 400 going up now, and there are 732 more to be built as soon as we can locate a site.

Mr. B. Newman: All right. Do you plan on accelerating the programme at all or not?

Hon. Mr. Randall: We have not been asked to by the—

Mr. B. Newman: You have not been asked to?

Hon. Mr. Randall: If we need to be, I suggest you get after Mr. Pelly and let him put in some more figures.

Mr. B. Newman: All right. May I ask the minister if his department is looking into the mobile-home situation, with a view to using them as a means of overcoming the acute housing problems in many of the communities?

Hon. Mr. Randall: I did not hear the first part of your question.

Mr. B. Newman: Mobile homes.

Hon. Mr. Randall: The mobile-home situation, as you recognize again, is a difficulty

with the municipalities. If the municipalities would accept them, we would have no objection to them. But at the present time there are few municipalities that will accept them. I think in your area, if I recall, you do have a mobile-home site, do you not?

Mr. B. Newman: Not in the city, but in the county there are quite a few mobile-home sites coming up. I am looking upon it as a programme for the province itself. Looking at the popularity of the mobile home, or portable home, in the United States, and looking over the U.S. census bureau statistics, for every 10 new homes sold in 1968 at any price, six were mobile homes, and in 1968 for all the homes under \$15,000, 90 per cent were mobile homes, and only 10 per cent over \$15,000 among all the homes built in the United States.

I do not think it is a permanent answer for housing, but I think it could be a fairly substantial answer in some areas. I have mentioned the advantages of the mobile home in my comments in the House, and I do not intend to repeat them, but I think the province has to look upon financial assistance, or the giving of financial assistance, or the providing of financial assistance, to those who might want to use this type of housing as an answer to their housing problems.

May I have the comments of the minister concerning mobile housing and its possible use in overcoming housing problems?

Hon. Mr. Randall: Let me just suggest that there may be a problem in mobile homes that have been financed, through the finance companies primarily, and some of the banks in the United States who run their own financing institutions. I have stated, and I think my colleagues would concur, that we would not be reluctant to finance mobile homes if they are acceptable to municipalities here. In fact, a chap was in to see me the other day. He wants to set up a mobile-home site in a town not too far from here. I took him to Municipal Affairs. They had a meeting there. They in turn looked on it with favour and went to the Ontario Municipal Board and at that point they were turned down.

Interjection by an hon. member.

Hon. Mr. Randall: At the present time, we are still working with the Ontario Municipal Board to have the municipal officials point out to them that the town itself is prepared to accept, with the property, sanitary sewers and the handling of children who may be in those mobile homes; that if

they are prepared to accept them, we are prepared to finance, so now we have the housing development corporation. These have been the two areas where I think mobile-home sales, in this province at least, have been slowed down to a walk, as you recognize.

Two years ago we changed The Municipal Act, at the request of the mobile-home manufacturers, to permit mobile homes to be sold here. I think there was a stipulation in our Act which was detrimental to their business, and we had that eliminated by the Minister of Municipal Affairs. If the municipalities will accept the site properly laid out for mobile homes, and garbage collecting, water service, sewers, electricity and school sites are available, such as in the case we talked about the other day, we would have no objection to assisting in any way we can to get it under way.

Mr. B. Newman: Would the minister have Ontario Housing look into the possibility of providing land for those municipalities or areas that might be interested in the use of the mobile home as an attempt to solve their housing problems?

Hon. Mr. Randall: Yes. If the municipality wanted to do it, we would be glad to acquire land. But we still have to get permission from the municipality to accept that kind of housing, as you can appreciate.

Mr. B. Newman: One of the problems that the municipalities run into in this is the fact that they are afraid of the educational costs involved in mobile homes, and other costs, as one of the members makes mention. However, as for the number of children living in mobile homes, the experience in a series of units in the city of Detroit, in which there were 2,000 mobile homes, as I understood it, was 0.45 children per unit. So you can see that the number of children whose parents own mobile homes, in this experience, is very small. I do not know if it would be exactly the same in the province of Ontario.

Hon. Mr. Randall: Did you say 0.45?

Mr. B. Newman: Point four-five children per mobile unit.

Hon. Mr. Randall: Four and a half children?

Mr. B. Newman: No. One half of a child.

Mr. Singer: Not quite half a child.

Mr. B. Newman: Right.

Hon. Mr. Randall: The project we have looked at indicated there would be sufficient investment return from a mobile home to take care of any children in the area, and I think the Chairman recognizes that it comes from his area. We analyzed it very carefully before discussing it with municipal officials, and pointed out that there would not be a school problem with mobile homes.

Mr. B. Newman: I think that The Assessment Act could be changed to accommodate this, and if they wish to come along and set any type of restrictions concerning the construction or the development of mobile homes, I see nothing wrong with that. But I think we have to look upon this mode of living; it is here to stay, whether we want it or not, and more and more of us are going to get involved in this, especially in the early years of life and in the later years of life where one only needs accommodation for two people, a husband and wife. And I certainly would hope that Ontario Housing, through you, Mr. Minister, would be a little more vigorous in the promotion of this method of overcoming some of the housing problems.

Mr. Chairman: I know you have put up with me for quite a few minutes, and I want to thank you for it. That is the total comment that I have to make.

Mr. Chairman: The hon. member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, in joining in this two-ring circus, you buzz upstairs and put in your two cents' worth and then come down here and give a nickel. I particularly want to discuss—and I do not know, as the circus goes on, exactly what has been discussed thus far—mortgages in Ontario under the budget statement, and particularly what views and what plans the minister may have in the second-mortgage market. I will proceed as though it were a *carte blanche* topic, which apparently is the way every new speaker proceeds, so there is a certain overlapping and repetition. I trust it will not be unduly so in this case.

In the budget statement, you announced that you were keenly aware of the difficulties—it is always nice to know how aware people are—and you are proposing in the budget to take direct steps for the supply of mortgage money for homes. You are going to put \$50 million into a capital fund to do that. You say that will supply finance for approximately 3,000 mortgages. I suppose that represents about 16,660 houses, if you break it down in that particular way. How-

ever, if this money is to be divided between first and second mortgages and will include a maximum loan of 95 per cent of the lending value of the dwelling which apparently is placed—the lending value is set up by CMHC, which I never found to be particularly gratuitous, in periods up to 35 years.

About the 35-year business, my friend, Mr. Newman, has mentioned that under the veterans' housing concept operative in the United States after the Second World War, mortgages were given, at least to veterans, and to other elements in the community, for far greater periods. This is an old thing in the United States to help to alleviate their housing shortage, which would be even more aggravated than it is now had this plan not been in effect.

As I recall, looking at mortgages in the States, they went up to 60 years and the concept behind them was a long-term agreement of sale, whereby every dime you paid in, you did not have it in terms of rental, but in terms of a hire purchase agreement, in effect, which you would eventually meet. This corresponds to the temperament of our people; not least, to the temperament of the minister. Curiously enough, he seems to break the mould in his entrepreneurship of the ordinarily rather cautious and terribly secretive Canadian, at least ostensibly and perhaps only superficially does he do so.

Interjection by an hon. member.

Mr. Lawlor: Ah, they secrete their glands, instead of letting their glands do the secreting. In any event, I speak of my own people.

The position is that you have not ventured thus far and only latterly, joining the Salt Lake City crew, do you enter into some kind of enlightenment extending these terms to 35 years.

The danger in the States, of course, was that the house would have come to ruination by the time that the mortgage was paid. This was a distinct possibility. However, houses are built in such a way and are occupied for periods of 60 and more years. It is not unusual to find such dwellings, and I would think that you, in concert with the Canadian authorities, should put together stress and emphasis upon extending the amortization periods of mortgages, up to 50 or 60 years. I think that in this particular way you will have the beneficial effect of reducing the equity substantially, reducing certain of the repayment terms very substantially. The

fallacy or fault, of course, the nub of the issue, would lie with the interest rate.

And there comes the usury. The usury that I want to talk about specifically has to do with second mortgages. You are all aware that these mortgages are trafficked on the market at a discount, depending upon what the equity in the building is. They could range from about 18 per cent up to 45 per cent discount, right off the top of the mortgage. You buy it up—a \$4,500 mortgage at \$3,000—and the individual who gave the mortgage continues to pay on that mortgage at anywhere from 12 to 25 per cent interest on the \$4,500. This, of course, is an ingrained iniquity which our system countenances. It is kind of a sore spot with me and, I think, an inherent viciousness built right into the mortgage market, into the housing market, at the present time, and has perpetuated itself for many years.

The minister, I hope, has the intention of somehow alleviating those pressures and that fact. Many years ago, even before Stanley's time, there existed in this province a unit of the department of development or whatever, having to do with housing mortgages. When I was a young solicitor, it was very prevalent and people were borrowing plentifully from it. The interest rates in those days, as I recall, were 4.5 per cent on second mortgages, and I do not think even they were subsidized. But the fact of the matter is that rate was lower than the prevailing rates of interest, even on firsts, and I think in subsequent periods they went up slightly higher, possibly hitting as high as six per cent. I do not think they went any higher at any time.

That whole scheme, for some nebulous reason having to do, I suppose, with the operations of the free-enterprising market, was discontinued. I felt, as a solicitor of that time, that it was a social fallacy for you to discontinue so providential a scheme. In any event, you saw fit to phase it out. I think probably the last one has been paid off. There may be a few of those mortgages kicking around still, but the office that it was operated out of has closed. It has been rather difficult to locate in the last few years, just who you go to in order to get those mortgages out of the way when they come to be finally discharged.

In terms of your present policy, is it your intent or do you envisage, as far as second mortgages are concerned, something parallel to a revivification of that particular scheme? I can hardly see how you would do so, since

your first mortgages are to be co-terminus with the national housing situation. You have not spelled out, at least to my knowledge, just what your plans are touching the area of the seconds. Do you intend to charge 15 per cent interest or higher on those seconds? What periods of time do you propose for the seconds?

Seconds, we must well realize, must fall in somehow with the first mortgages as to what their termination dates may finally be. Would you take a situation where there is a first mortgage running for five years, which is the normal practice these days—you cannot, by extraction or by lulling the sirens, extract out of the trust company, mortgage company or insurance company, any greater length than five years these days. They are terrified, of course, of the interest situation.

Therefore, in most cases, if someone had to have more second mortgage financing to buy a home, with a first mortgage running for five years, what would the possibilities be of your second running for 10? How do you think that you would operate it? These are the problems that bother me for the nonce.

Hon. Mr. Randall: Yes. I think to clarify the situation; in the first place let me deal with one thing at a time. We will be doing the evaluating insofar as the mortgage is concerned, not Central Mortgage and Housing Corporation, and I think our approach is a little different to what has been done in the past. I might point out that we have already committed ourselves for about \$117 million in mortgages right now; \$44 million will come due in 1970. \$43 million in 1971 and \$30 million in 1972 as the houses are built, which is over 7,000 units in the first few months since the housing development corporation has been announced by government.

We will go to 35 years as you suggest, and the only place we come in on the second mortgages is where a developer is able to arrange his own mortgage financing in the first instance, and he requires second mortgage money to finance the balance, then that would be at the same interest rate that we charge for a 95 per cent mortgage, 9.5 per cent, which is the present rate today. We do not intend to have any 12 or 15 per cent rates for second mortgages, as you have pointed out may exist today.

On the old Housing Development Corporation Limited there were 15,000 second mortgages at 4.5 per cent. There were 150 of those left when we took over the corporation

from Treasury Board and which are being paid out now.

That was primarily phased out, I am informed, because the NHA mortgage arrangement became a lot more attractive than the programme they had originally. I think about the time they started it, five per cent money or five and a half per cent money was a very attractive figure. I do not think we are ever going to go back to that. There may be some accountants that disagree, but I would be inclined to believe that the lowest rate we are going to get for a long while to come is about nine and a half per cent and this is the rate we are using today. But we have no intention of moving beyond that nine and a half per cent rate, and anywhere we do take a second mortgage on some of the condominiums going up today, it would be at that nine and a half per cent.

Last year when we offered three guarantees to a developer we said, first of all, if you build a unit we will guarantee to Ontario Housing Corporation to finish it if the builder goes bankrupt. We guaranteed the mortgage company that if they advanced the money and the builder went bankrupt, we would guarantee to finish it. We also guaranteed if that he got it finished and if any of the suites were vacant for more than six months, we would take them off his hands. And we also guaranteed him that after the applicant moved in, if he went bankrupt or got run over by a truck, we would take that unit off his hands, so that in no way could he get stuck—and still we could not get mortgage money on the 75 per cent-25 per cent basis as the national mortgages are allotted. We could not get anybody to put up a first mortgage in that last year as you recognize it—there was none outside of the Parkview-Forest View which we had up here with Greenman. We had 400 suites up there. Nobody put up any money on that basis, so that is why we introduced the housing development corporation. The rate today is 9.5 per cent and we are taking 95 per cent of the value of the house—of the land—

Mr. Lawlor: Yes, I know the stink of iniquity that exists in this particular area. You know I could storm and pull out my hair and look weird about doing it all. I shall speak sadly and nostalgically. Although the financial interests in this country with whom you know you are fully cognizant, and for whom you did everything—you gave them *carte blanche* and iron-clad guarantees—and would they come forward with the money?

No, they would rather put it into the stock market. See what is happening now. I hope they suffer the consequences because their sense of social solidarity, their sense of need in the community, is very deficient.

Mr. J. E. Bullbrook (Sarnia): Hear, hear!

Mr. Lawlor: One has to put up with this Act as an administrative government, despite all your spoofing and spouting free enterprise philosophy. God help us. You should move in on the situation and you should say to them—and I think it a perfectly legitimate function of contemporary government to say to financial institutions who will not support the public weal—you must allocate some of your funds—

Mr. Bullbrook: Right, where you need it.

Mr. Lawlor: —to this particular area and we will give you the iron-clad guarantee—

Hon. Mr. Randall: May I just make a comment here?

Mr. Lawlor: Yes.

Hon. Mr. Randall: Mortgage money from the insurance companies was available until the budget before last was introduced by Mr. Benson. It changed the tax formula for the insurance companies from a basis where they were paying \$2 million taxes—and I think your party was in agreement with this—to where they now pay \$100 million in taxes. They are now taxed like a chocolate factory and they are investing their funds like a chocolate factory.

Mr. J. B. Trotter (Parkdale): They were getting a free ride—

Hon. Mr. Randall: Now wait a minute. I am not sure they were getting a free ride. It is a matter of looking how they handled the profits from their insurance sales to pay dividends and reduce the premiums. I am not going to get into an argument on insurance. I am simply saying that the day that budget came out, mortgage funds dried up from the insurance companies and are no longer available, unless as my friend from Downsview said the other day, there is participation from the—

Mr. Singer: Equity sharing.

Hon. Mr. Randall: If there is not that participation, I would bet an arm and a leg that money is not available. That is one of the

reasons why we have had great difficulty in trying to finance the HOME programme. As you know, we got \$60 million from the banks last year and in part of 1968, but, aside from that, the mortgage companies and the trust companies, the mortgage companies—the trust companies I should say—and the insurance companies would not put up any funds and we find ourselves—

Mr. Singer: The banks are not doing equity sharing; it is the others.

Hon. Mr. Randall: Well, the banks did; the banks shared \$60 million when we first got going on the homes—

Mr. Singer: No, the equity participation—

Hon. Mr. Randall: No, the banks are not in it. It is just the insurance companies right now, as you recognize.

Mr. Bullbrook: The trust companies were establishing stock portfolios long before the budget—

Hon. Mr. Randall: Let me just point out that, as you know, the trust companies, if you look at their brief to Ottawa and the Senate investigation committee, asked for a change in The Trust Act. Not only the provincial but the federal Trust Act permits them to invest their funds in other areas besides mortgages. The brief that I read pointed out that they made 1.8 per cent, I think it was in 1969, and if they continued at that rate, they would go bankrupt. Now I think—you probably recall it—some of the Act has been changed to permit them to get funds from other sources and put them into other sources. But, as I say to you—and I am not criticizing, I am simply saying—the tax change and the change in The Companies Act have meant that the funds normally available for home mortgages are no longer available unless there is participation, as my friend from Downsview said.

There is no participation in any projects that we build, as you will recognize. That is the reason why we are having to find the funds now to run the housing development corporation and provide the mortgage money. I can assure you that if we had not done that, there would be less housing going on in this province than there is at the present time. Now I am not going to argue whether Mr. Benson was right or wrong; I am simply going to say that the change at the national level certainly had a bearing on funds being available for mortgages.

Mr. Lawlor: Nevertheless, for you, Mr. Minister, you know for Pierre Trudeau there is one sacred place and that is the bedrooms of the nation. For you, Mr. Minister, there is only one sacred place—not the bedroom, but the boardroom. You just will not enter in—it reminds me of Frazer's *Golden Bough*. You know there is an island there that is sacrosanct and which no one may trespass upon without earning the wrath of the gods. Your gods sit in high executive places and want to be left in solidarity in your own peace and isolation. You will not touch. In any even you get a boomerang effect—

Hon. Mr. Randall: Mr. Chairman, let us clarify this matter now. There are millions of people with insurance policies. I expect that when you drop dead, God forbid, or get run over by a streetcar, your wife is going to expect an income from that insurance policy. If the insurance company does not take the funds they have and invest them to provide you with the promises they made when you signed the insurance policy, your wife and children could be in dire circumstances. I think you have to ask yourself, instead of accusing me of being in the boardrooms of the nation, if you were in the shoes of the insurance companies and the whole programme of reinvesting these funds was left to you, are you going to put them where you get the best return for your money?

Mr. Bullbrook: That is it. Right there.

Mr. Lawlor: The whole philosophy—

Hon. Mr. Randall: But not for the holder of the policy. Right?

Now wait a minute. The holder of the policy is going to suffer if the funds from pensions funds which are invested with the insurance companies or the premiums from policies are invested do not bring the necessary return to take care of their long-term commitments. A lot of people in the future could suffer. I am not defending. I am simply saying that if I am an investment manager, working for an insurance company, I would have to weigh all the circumstances. Maybe I would come up with the same decision as you. But for the moment I think you can see where the pace is changed.

Mr. J. N. Allan (Haldimand-Norfolk): Mr. Chairman, can I ask what vote this insurance deal comes under?

Mr. Chairman: This comes under all votes.

Mr. Trotter: It is actually mortgage money we are talking about and the Ontario Housing has—

Mr. Lawlor: There is a dearth of—

Mr. Trotter: —gone into the mortgage business. That is exactly what we are talking about.

Mr. Lawlor: There is a dearth of money in the world for mortgages and the reason for it—

Mr. Trotter: Pension funds come under it, too.

Mr. Lawlor: Yes, pension funds would very well come under it, and the hon. minister's old favourite, the building societies. What ever happened to that one? That was the big news of last year's estimates. All over the front of the newspaper, I suppose he had made a trip to England a few days before. May I say we are slightly off the point?

Mr. Trotter: You are right on.

Hon. Mr. Randall: That is another good point.

Mr. Lawlor: You know in your select tax committee, we were very cognizant of the role of insurance companies in the use of funds. It was shortly after we came back from our report, and this was unanimous, that we imposed extra taxes at this level of government upon the insurance companies knowing full well that they could well bear that brunt. I mean I am thinking of the premiums tax that we brought in one and a half to two years ago now. There are other areas in insurance company sinking funds and its use of public money such as we felt were very well subject to tax.

If Benson, or whoever the minister was at that time, was perfectly justified, that was not the reason. The reason partially, I suggest to you by the way, is in terms of what you have to face from major corporations, particularly from financial, of backlash.

There are many forms of backlash. One of them is to teach the government a lesson by pulling out funds from areas over a short time because the government bonds are altogether too solid a security to risk very greatly in the pull-back.

So the banking interests in this country and all the financial interests, seeking their own egotistic good to the detriment of others,

are not cognizant of the wider range of the social whole from which they derived all their basic benefits. It is from the little guys—from you and I and others that the basic depositories are made. You can when you can lend on a banking principle of ten times the money to every dime deposited. Then you have created wealth in paper profit, in inflated bloody hot air. This is the banking principle. Then you are well along the way to becoming rather affluent.

In any event, these people have not carried their weight. They are not presently doing so. I am suggesting to you that you should say—just as you do, you know, in certain areas of the relationship with the federal government, at least—they have to retain, by law, sinking funds sufficient—at least the banking and insurance interests do—sufficient to cover a contingency that may arise in defined periods of time according to their outstanding commitments. Why can you not similarly allocate, say, two per cent of the fund, or whatever would be the necessary amount to be dedicated to mortgage financing in this particular area, since the crunch is on, since the need is so great, and since the derivation of the funds are from the very people who are going to be paying back the mortgages at exorbitant interest rates, irrespective, and this free-wheeling business is an abrogation of any sense of social responsibility? And you happen to be the minister—at least, I think, from the way you speak—you happen to be the minister who seems to be most inflated with this policy of blindness, the belief that the least you do the better, that if you have total chaos you have the best thing possible, that the invisible hand operates in the night—

Hon. Mr. Randall: This is what you find in socialism, not in—

Mr. Lawlor: We could go on forever on this particular thing. All right, I want to know at the moment what specific sum have you set aside for second mortgages. Is there a definite amount?

Hon. Mr. Randall: No, we have set no sum aside for second mortgages, but within the housing development corporation, if second mortgage money is available, the funds will be provided as they are being provided for first mortgages. In other words—

Mr. Lawlor: You are aware that many manufacturing enterprises, in order to sell their wares, are providing second mortgage

funds somewhat along the same lines? I am thinking, for instance, of Consumers' Gas. If a builder installs gas in his home he can get money from the Consumers' Gas Company for a second mortgage that he could not get anywhere else, in order to—

Hon. Mr. Randall: Maybe I can clear that point up. If a developer came to us and said, "Look, I am putting a project up in Sarnia and I got first mortgage money from Consumers' Gas, or the Hydro, or Elias Rogers, I got 75 per cent of the funds from them, I get five per cent from the customer, can I get 20 per cent from you?" the answer is if he is building to the HOME guidelines—that is \$24,000 and under, including land and building, the 20 per cent of the second mortgage money would be available for him.

Mr. Lawlor: No question? Good.

I want to go on to a second point. To you, Mr. Minister, in the past two weeks looking in the highways area, we came across concentrations of highway maintenance people and highways builders acting in cahoots together with respect to the bidding they did and with respect to the prices they were paid—a monopolistic situation, which had been investigated by the combines branch of the federal government and which had gone on for many years.

Under the present situation with Ontario Housing Corporation, I want to warn you of what may be a real possibility of a similar thing with regard to the bidding that is taking place as it affects Ontario Housing.

From January 31, 1969, to April 30, 1970, 148 contracts worth a total of \$172-odd million were awarded to 57 companies. Of these 57 companies 16—or 28.1 per cent—were awarded 85 contracts, representing 57.4 per cent of the total number of the contracts. The value of the contracts awarded these top 16 firms represents 72.4 per cent of the dollar value of all contracts awarded. The survey also pointed out the anomalous situation whereby eight firms of the top 16—\$14 million and over—were so ranked by virtue of receiving only one contract. Three of the top 16 contractors have received 12 contracts or more.

It is true that the vast majority of firms with contracts valuing less than \$4 million also received only one contract, but the dollar value difference is quite significant. For example, Falstaff Towers of Downsview received one contract worth \$11,000,646—6.8 per cent of the total—putting it third in total

dollar value. Headway Corporation of Toronto received 35 contracts—23.6 per cent of the total—worth \$13,676,000, that is 7.6 per cent of the total money and ranked second in total dollar value. Ronark Development Limited of Hamilton received 13 contracts, 8.8 per cent of the total, worth \$16,994,000 or 9.9 per cent of the dollar total. It ranked first in dollar value. Harrold Freuer Construction Limited of Kitchener received 12 contracts—8.1 per cent of the total—worth \$6,142,000, or 3.6 per cent of the money. It ranked eleventh in total value.

There is a concentration of bidders operative here in the housing field. There may be many reasons for it. I just do not want to find out two years from now that the reason for it is there is some kind of mutual understanding operative among these builders as to their bidding practices and what not. I have to go upstairs now for a series of estimates, so I cannot press you further. If this—

Mr. Singer: Your planning worked a little slowly.

Mr. Lawlor: If I had time I would like to go into the bidding practices. How you operate them—

Mr. Chairman: I might say that this was all gone over last night by the member for Riverdale.

Mr. Lawlor: Riverdale?

Mr. Chairman: No, for Parkdale.

Mr. Lawlor: Did you give it a thorough going over, James?

Mr. Chairman: He certainly did. If you read *Hansard* you will get all the answers.

Mr. Lawlor: Are the contracts entered into by Coates Construction Limited, Headway Builders (Ontario) Limited, Boyd & Solman Limited, available to us—say the contracts from 1947 on?

Hon. Mr. Randall: I would not see any reason why they would not be available.

Mr. Goyette: We would be glad to let you have the details of those. They are all public.

Just to knot that point though, we did, Mr. Chairman, go into that in great detail, yesterday, because those of us here who are, well, involved in this, would like to dispel this right now. We have been dealing with

130 contractors across Ontario; these have been the result of a public proposal. They have come forward on a competitive basis, they are adjudged by the staff, they are adjudged by the board of directors of OHC, by the Treasury Board of Ontario, by the branch office of—

Mr. Lawlor: Could we sit in there some time?

Mr. Goyette: I beg your pardon?

Mr. Lawlor: Can we sit in on their bidding?

Mr. Goyette: We would be glad to describe our practice to you.

Mr. Lawlor: No, can we watch it done? They did it for Highways.

Mr. Goyette: No.

Mr. Bullbrook: Mr. Chairman, can we rise on a point of order for a moment? Because we have been waiting here, and we have obligations concerned with legislation going on in the House, might we get the information from the member for Scarborough Centre as to whether she will go to 6 o'clock?

Hon. Mr. Randall: If she does not I promise to do a song and dance to keep it going.

Mr. Bullbrook: Oh no, we want to come back and see that.

Interjections by hon. members.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, if I had thought the member for Downsview was not going to discuss the same subject as I, I would gladly have let him get to the Attorney General's estimates. I would like—

Hon. Mr. Randall: You mean Mr. Brunelle is all finished?

Mrs. M. Renwick: Mr. who?

Hon. Mr. Randall: Mr. Brunelle is all finished, you say?

Mr. Trotter: Evidently, yes.

Mrs. M. Renwick: Yes, Mr. Chairman. That is something you might look into.

Yesterday the member for Victoria-Haliburton (Mr. R. G. Hodgson) said that he would be sending a page boy back and forth from committee to the House to keep those of us who were trying to be in both places at once, as several of us are today, informed as to where the House was, or where the committee was. Have you had any action on that?

Mr. Chairman: No, none whatsoever. As a matter of fact, there is a substitute for the

member for Victoria-Haliburton, yesterday and today. He is not on the committee.

Mrs. M. Renwick: He is not on the committee yesterday or today, right?

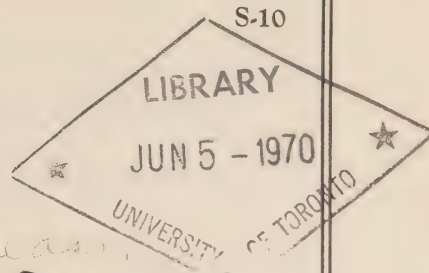
Mr. Chairman: That is right.

Hon. Mr. Randall: Mr. Chairman, may I suggest that if the remaining members want to recess now and come back at 8 o'clock it is okay with us. We are in your hands.

It being 5:45 o'clock, p.m., the committee took recess.



ONTARIO



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION
Third Session of the Twenty-Eighth Legislature

Tuesday, May 26, 1970
Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

TUESDAY, MAY 26, 1970

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

The committee resumed at 8 o'clock, p.m., in committee room one; Mr. D. A. Evans in the chair.

On votes 2209 and 2210:

Mr. Chairman: We will call the committee to order. Unfortunately, the speakers who were going to speak to these votes, 2209 and 2210, are not here so I am going to have to go to the next speaker. The member for Downsview has the floor.

Mr. V. M. Singer (Downsview): Mr. Chairman, there were a number of points that I wanted to bring up. I had a list of them in advance, but listening to the various discussions that took place here, I have got an additional number of questions that I want to direct my attention to.

I was interested particularly in the minister's reply, and the replies of the members of his staff, to the scheme of the Housing Development Corporation and the series of commitments that have been made.

Now it may be, Mr. Chairman, that when I was absent from this country during the month of April, I missed some of the detail. I did catch, however, the announcement in the budget that \$144 million were going to be devoted to the Housing Development Corporation and I did listen with some interest to the minister's statement that this is committed now over a period of three years at an interest rate of some 9.5 per cent.

Just starting with that, I wonder to what extent—and if this is repetition I am sorry, but I am not aware of it—to what extent is the commitment made in the form of more or less permanent obligations or substantial obligations to specific builders; or is this just a decision in the government's mind that it will devote a portion of this \$144 million, or one of three portions, over the period of the next three years? Or is it allocated, in fact, to specific builders who are going to

build specific types of housing over that period of time? Perhaps we can start with that.

Hon. S. J. Randall (Minister of Trade and Development): To clear up any misunderstanding, the first amount, I think, that the Treasurer (Mr. MacNaughton) announced in his budget was \$50 million; to be followed by a further \$50 million as soon as that was allocated, and that is in the works at the present time. Of the \$50 million, I think what I said this afternoon was that \$44 million had already been committed for 1970. We knew we were going to use \$44 million—the buildings would be completed, the mortgages have to be honoured, before the end of 1970. Do you follow me?

Mr. Singer: Yes.

Hon. Mr. Randall: So that \$44 million for 1970 would be required out of the \$50 million already committed. There is \$43 million committed in 1971 and \$30 million in 1972, depending on when a project is finished.

The second question is, "Who are they allocated to?" I can assure the hon. member they are allocated to the commitments we have made in Bramalea to build 1,000 units there—I believe it is on 1,000 lots in the next year—where services are provided and the lots are available.

The other commitment is in Chapel Glen Village. We have not made any formal announcement, but the story is out now that the Chapel Glen Village building permit was received last Friday afternoon. We are prepared to proceed with that, and some of those buildings, we anticipate, will be finished in early 1971. So there is a commitment there. And then, as you know, we have probably talked to a dozen or more builders who have land of their own and say, "Look, I will build on this land within the HOME guidelines of \$24,000—no more—if I can get mortgage commitments." We have committed ourselves to make sure they get mortgage money for those lots they are going to build on within the HOME guidelines.

Then of course I think we said this afternoon there were something like 170 homes being built in Ottawa that the federal authorities were going to participate in last year and on which they changed their minds. The people came back to us and we said we would guarantee them mortgage money this year when their homes were finished and they needed the mortgage money.

So that is where the \$44 million cash flow commitment is allocated. The others, of course—the \$43 million and the \$30 million—depend on when the buildings are finished; the money will be available for those sources at that time. Does that answer your question?

Mr. Singer: Well only partly. So that presently, as I understand it, if you are committed for \$44 million in 1970 and then \$43 million and then \$40 million in 1971—

Hon. Mr. Randall: \$30 million in 1972.

Mr. Singer: Pardon?

Hon. Mr. Randall: \$30 million in 1972. A total of \$117 million—\$44 million, \$43 million and \$30 million!

Mr. Singer: \$44 million, \$43 million and \$30 million—and that is in 1970, 1971 and 1972?

Hon. Mr. Randall: Yes. There will be more than that, I presume, if somebody comes in and says, "I can build in 1971; can I get money?" The answer is yes; but as far as we are concerned, the Housing Development Corporation is now recognized by the Treasurer as an Ontario government mortgage company and funds are going to be supplied as fast as we require them.

Mr. Singer: I see. Now how did you choose Bramalea and Chapel Glen rather than Edgemoor, or Singer, or Allan or even Apps?

Hon. Mr. Randall: The National House Building Association was in on this at the beginning and we explained to them how it was going to operate and their members submitted their applications on units that they were going to build under the guidelines of the HOME programme. This is how the money was allocated.

Mr. Singer: I see. Did you advertise or was it just sort of noised about?

Hon. Mr. Randall: Pardon?

Mr. Singer: Did you advertise or was it just sort of noised about? I mean, fellows in the know got in first?

Hon. Mr. Randall: We had a public proposal in Bramalea. I do not think we ran any ads that I know of; we just made it known by press releases by myself and by the housing corporation. The Treasurer indicated that mortgage money was available and as soon as that notice was received by people reading the newspapers they came and said "where do we fit into the scheme?" And we listened to them.

Mr. Singer: I am very interested, particularly in the fact that Bramalea is the first one mentioned, because Bramalea seems to feature very high in the government's priorities. Certainly we have talked about Bramalea just on the fringes of Toronto. My colleague from Sarnia (Mr. Bullbrook) is going to be talking about Bramalea a little later in the evening. I just wonder how Bramalea seems to be the first with the government most of the time?

Hon. Mr. Randall: Let me suggest to you, my hon. friend, that Bramalea were the first people to come through with 1,666 lots when we talked about the HOME programme, there were no lots available in Metro.

Mr. Singer: Bramalea is not in Metro.

Hon. Mr. Randall: Well, it is as close to Metro as—

Mr. Singer: But it is not in Metro.

Hon. Mr. Randall: Greater Metro is 50 miles or so, or 100 miles, around Toronto. Bramalea is as close to Metro as you can possibly get where lots are available. As far as we are concerned, whether it is in Bramalea, or Chapel Glen Village or anywhere else, if they come forward with a programme to build housing for the people within the HOME guidelines, funds are available.

Mr. Singer: Bramalea may be close to Metro, but the minister's definition of what is close to Metro does not seem to correspond with his colleague's definition. The definition of the Minister of Municipal Affairs (Mr. McKeough) is pretty adamant about the boundary lines of Metro. There is quite a great difference. When you get the Toronto-centred plan—

Hon. Mr. Randall: Probably Metro and greater Metro, yes.

Mr. Singer: Well, Metro and greater Metro. But when you get the Toronto-centred plan and you recognize the determination with which Mr. McKeough wants to hold the line, there seems to be a pretty definite distinction

between what is in Metro and what is out of Metro. I am still interested in how Bramalea got to be the first with the commitment for this portion of the \$44 million—

Hon. Mr. Randall: Maybe they are the most efficient?

Mr. Singer: I see, you figure they are the most efficient?

Hon. Mr. Randall: I think they are very efficient, yes.

Mr. Singer: You think they are very efficient?

Hon. Mr. Randall: Yes.

Mr. Singer: All right. I am glad to have that on the record, because as I say my colleague from Sarnia is going to have some questions to direct to you—

Hon. Mr. Randall: We will be glad to hear from your colleague for Sarnia, I can assure you.

Mr. Singer: —about some of his doubts about the efficiency of Bramalea, and I have some as well.

Hon. Mr. Randall: Fine.

Mr. Singer: I am very interested as well, Mr. Chairman, through you to the minister, in the limit of \$24,000 for housing cost. As the minister, I am sure, well knows, the cost of a 50-foot serviced lot within Metropolitan Toronto today is \$17,000. Is the minister prepared to accept that fact or do you want me to elaborate on that? A 50-foot serviced lot on a new subdivision in North York, Scarborough or Etobicoke, running no more than 50 by 150 feet, if you have got a big deep one, or 100 feet if you have got a shallow one, sells for \$17,000, just for the vacant lot. Will the minister accept that? Or do you want me to bring you some more—

Hon. Mr. Randall: I think in some areas you may be right, yes.

Mr. Singer: Okay. Now, can you tell me—

Hon. Mr. Randall: We are fortunate. We bought land for a lot less than that.

Mr. Singer: That is fine. Can you tell me how, within the bounds of Metropolitan Toronto, when you have to pay \$17,000 for a new vacant lot, any of this scheme for mortgages can possibly be made available within the boundaries of Metropolitan Toronto?

Hon. Mr. Randall: You talk about Metropolitan Toronto; let us talk about greater Metropolitan Toronto.

Mr. Singer: No, I am talking about the 240 square miles that comprise Metropolitan Toronto, that Mr. McKeough is so determined to preserve.

Mr. W. Hodgson (York North): Why not preserve—

Mr. Singer: Just let me finish. The fact is that Metro is bounded on the east by Peel; on the south by Lake Ontario; on the north by Steeles Avenue, and on the west by the line of Pickering. That is 200—

Mr. W. Hodgson: Your complaint is lying on the north boundary.

Mr. Singer: I recognize this is embarrassing to many Tory members, but let us just deal with it in fact.

Mr. W. Hodgson: It is embarrassing to you. Why do you not tell the facts?

Mr. Singer: Mr. Chairman, can you tell me, or can the minister tell me, whether or not it is conceivable to anticipate that any of this \$44 million which is allocated for mortgages in 1970 by the Housing Development Corporation, is going to be available for building new homes in Metropolitan Toronto? If even one penny of it is?

Hon. Mr. Randall: Yes.

Mr. Singer: Where?

Hon. Mr. Randall: Edgeley village.

Mr. Singer: Edgeley village? Where exactly is Edgeley village?

Hon. Mr. Randall: It is right in your riding. You were the reeve up there at one time, were you not, in North York?

Mr. W. Hodgson: Just below Steeles.

Mr. Singer: All right. Then how much is a 50-foot lot in Edgeley village—a serviced lot, a 50-foot serviced lot?

Hon. Mr. Randall: Let us forget the 50-foot lot.

Mr. Singer: No! That is the smallest housing lot available.

Hon. Mr. Randall: No, you are not thinking like a good lawyer right now.

Mr. Singer: No, I am thinking as an inquiring politician who wants to—

Hon. Mr. Randall: No, no.

Mr. Singer: —bring you down to facts. Please answer.

Hon. Mr. Randall: We are not talking about single family housing in Metro and you know it. We are talking about cluster housing—

Mr. Singer: I am talking about single family housing—

Hon. Mr. Randall: Well, you are!

Mr. Singer: Please do not change my terms of reference. I am asking you if one penny of the \$44 million that you are going to make available through the Housing Development Corporation, can possibly be spent in Metropolitan Toronto this year?

Hon. Mr. Randall: No, I would not say this year. In Malvern, maybe, next year.

Mr. Singer: All right.

Hon. Mr. Randall: But now let me just—

Mr. Singer: All right, so that is the—

Hon. Mr. Randall: —before you, wait a minute—

Mr. Singer: No, I am talking.

Hon. Mr. Randall: Wait a minute—

Mr. Singer: Surely you can answer a question?

Hon. Mr. Randall: No, I am going to correct this situation right now.

Mr. Singer: All right, correct it.

Hon. Mr. Randall: We have been talking about housing people in cluster housing, in town housing, in condominium housing. Do not try to screw up the deal—

Mr. Singer: No, no!

Hon. Mr. Randall: —as you are trying to do—

Mr. Singer: No, I am only trying to get down to what you are going to do.

Hon. Mr. Randall: In saying that, we said "all single family housing," my hon. friend, so do not get stupid over this. Just recognize what the facts are.

Mr. Singer: Mr. Chairman, I am not prepared to exchange vituperations with the crude minister.

Hon. Mr. Randall: You mean if I sit back and be quiet—

Mr. Singer: I merely want him to answer questions relating to the facts as they appear. Now, No. 1 fact is that you will agree with me there is not one penny of your \$44 million available to Metropolitan Toronto in the year of 1970 for single family housing?

Hon. Mr. Randall: It is available if they can build single family housing.

Mr. Singer: For under \$24,000?

Hon. Mr. Randall: Yes.

Mr. Singer: All right. Now do you know of anywhere in Metropolitan Toronto, in 1970 or 1971 or 1972, where anyone can build a single family house for under \$24,000?

Hon. Mr. Randall: I have said Malvern and Edgeley.

Mr. Singer: A single family house? On a self-contained lot.

Hon. Mr. Randall: Ask the man.

Mr. Singer: All right. How much is the lot going to cost by itself? Let the man tell me.

Hon. Mr. Randall: Between \$6,000 or \$7,000.

Mr. Singer: For \$6,000 or \$7,000? You can produce a 50-foot serviced lot for \$6,000 or \$7,000?

Hon. Mr. Randall: Yes, we bought it—

Mr. Singer: You bought it, and you are going to put it on the market for \$6,000 or \$7,000? Mr. Chairman, I do not think that the minister is, in fact, telling the truth. This is a very serious charge and I say that he is so far wrong—

Hon. Mr. Randall: I do not think that you know what you are talking about.

Mr. Singer: There is not a \$6,000 or \$7,000 50-foot serviced lot within the boundaries of Metro. You cannot get one for under \$17,000.

Hon. Mr. Randall: Do not get so excited, just listen for a minute.

Mr. P. R. Goyette (Ontario Housing Corporation): You are talking about Malvern. We have our raw land costs, which you know are very modest. If we put our lots in at our costs—

Mr. Singer: Now you are talking about Malvern.

Hon. Mr. Randall: Do not slide out of it, listen—

Mr. Goyette: You heard what the minister said for next year in Malvern.

Mr. Singer: All right.

Mr. Goyette: You never really know until all the tenders are in, and you know more about this than I do. At \$6,000 we should be able to—that seems to be the guesstimate now.

Mr. Singer: All right. You are suggesting that you are going to put the Malvern lots on the market at \$10,000 below the going price? Are you making that commitment now?

Mr. Goyette: If we could do it at that price we will—

Mr. Singer: Well, are you going to do it?

Mr. Goyette: We will do it at our cost, right.

Mr. Singer: Can you tell me why, if that is your present thinking, when you sold the Bramalea lots you sold them for \$3,000 over your cost? When we criticized the minister in the House a year ago he said, "We cannot disturb the going market." Why are you now going to break the market out at Malvern by selling for \$10,000 below the going cost?

Hon. Mr. Randall: We know you are a good legal mouthpiece, Mr. Singer—

Mr. Singer: No, no, just do not drag red herrings.

Hon. Mr. Randall: Just listen very carefully, and I will try to tell you—

Mr. Chairman: Let us keep this discussion short. Let us do the estimates—

Hon. Mr. Randall: Yes, let us keep it to the estimates.

Mr. Chairman: —and use the procedure that we use in the House.

Hon. Mr. Randall: You are trying to confuse two issues.

Mr. Singer: No, I am not.

Hon. Mr. Randall: Oh yes, you are. Now just listen to me for a minute.

We bought the 1,666 lots in Malvern, fully serviced, from a major development where lots were selling for \$9,200 a lot. And we made it a commitment that we were not go-

ing to go in there and sell those \$6,600 lots at that cost. Let me just suggest to you, my friend, if you and the member for Sarnia had gone in there, earning \$10,000 a year apiece, and you had bought a lot across the road from a private developer for \$9,200, and he, earning the same money, had bought one for \$6,600, why could he not come back to his government and say, "Listen, you have to give me a refund on the amount of money over \$6,600 I paid to Bramalea."

Now wait a minute, wait a minute.

Mr. Singer: You are trying to confuse me.

Hon. Mr. Randall: You are not listening. You are not listening. Now listen. Just be careful now, you are not listening.

So the \$9,200 was set; two people paid cash; I think 15 bought on agreement for sale. The balance today are still running and, when they exercise their option to buy those 1,666 lots in a private development, fully serviced, they will pay \$9,200 now, or 50 years from now.

And so, what I am suggesting to you, if you want to walk out and talk to those people that own the 1,600 lots tonight, they will tell you that the lots are worth \$13,500.

Let us finish with that for a second. Now we go back to Malvern, or Saltfleet, or Chapel Glen Village, where we have control of the entire—

Mr. Singer: We are talking now of Metropolitan Toronto—

Hon. Mr. Randall: Wait a minute.

Mr. Singer: —whether any of this \$44 million is going to be available.

Hon. Mr. Randall: Wait a minute now. You are not listening now.

Mr. Singer: I am listening very carefully. I want you to direct yourself to the point.

Hon. Mr. Randall: Just concentrate. Do not try to talk me out of it, now, because you are not going to confuse me. I have been used to you for several years—

Mr. Singer: I have been used to you too, and I know you for what you are.

Hon. Mr. Randall: Just let me—

Mr. Chairman: Let us get through the estimates.

Hon. Mr. Randall: Just let me point out that where we own the entire development,

which we do in Chapel Glen, and Malvern, and Saltfleet, those lots will be sold at our cost of putting the services in and the interest charges. They will not be marked up, as they were in a private development.

We walked in and bought just a few lots. Insofar as I am concerned, and I am sure my associates will back me up on this, those lots are going to be put on the market, as we said a few minutes ago, in Malvern, at our cost, plus administration charges. We are not going to mark those up, as happened in the 1,666 lots, where we had a reason for marking them up.

We got those lots in order to get the HOME programme under way, and if you want to talk to those 1,666 people, they will tell you, Mr. Singer, that the lots are worth \$13,500. They never got a better bargain in their life.

Mr. Singer: No, you are begging the question.

Hon. Mr. Randall: No, I am not begging the question.

Mr. Singer: You certainly are begging the question.

There are two points. No. 1, even though someone might have bought something cheaper than they could now match on the terms that you gave, why was it necessary that you make 50 per cent profit from the people of the province of Ontario on behalf of the government?

Hon. Mr. Randall: I think I just—

Mr. Singer: What was the reason?

Hon. Mr. Randall: I just made that point out.

We have three reporters in the back of the room here, two of them working for the same newspaper. If either one of those men went out and bought a \$6,600 lot through the government of Ontario at the taxpayers' expense, and the other fellow got a lot for \$6,600, and the other guy went across the road and paid \$9,200, he would have every right to come back to the housing corporation and say, "Look, I got cheated across the road by Bramalea at \$9,200. Which is the market price? Why cannot I get that 50 per cent gain that you gave to my friend who works for the *Star*?"

Mr. Singer: So then it is better that your friend who works for the *Star* provide a 50 per cent profit for the province of Ontario,

rather than that you disturb your friends at Bramalea?

Hon. Mr. Randall: He has now got himself—

Mr. Singer: That is what you are saying.

Hon. Mr. Randall: He has now got himself a 50 per cent gain.

Mr. Singer: All right, now that is No. 1. I do not accept that at all—

Hon. Mr. Randall: Well, I know you—

Mr. Singer: I do not accept that at all, because I suggest to you, I charge—I do not even suggest, I charge—that you were protecting Bramalea in taking a 50 per cent profit that the government had no right to take, because people needed housing. You exploited those people. That is No. 1.

Now No. 2—

Hon. Mr. Randall: Not at all.

Mr. Singer: Let me deal with Malvern. Are you prepared to state that it is now government policy that you are going to make no profit on the lots that are sold out of Malvern? No government profit? Or are you going to support the real estate market, as you did with Bramalea?

Hon. Mr. Randall: No, I think I have already made it very clear that in Malvern we are going to sell our part of Malvern to the commercial interests and that is going back into community facilities—it is going back into reducing the price of the lots for the modest income people who are going to buy in Malvern. The same thing is going to happen in Saltfleet. The same—

Mr. Singer: I am not talking about Saltfleet.

Hon. Mr. Randall: I know—

Mr. Singer: Let us confine ourselves to Metro for a while.

Hon. Mr. Randall: I know you are not, but just let us not confuse the issue again, my friend.

Mr. Singer: No, no, I just want to talk about Metropolitan Toronto.

Hon. Mr. Randall: And the same thing will apply. Even up in Waterloo we have the 3,000 acres. Wherever the government—

Mr. Singer: I am not talking about Waterloo. I am talking about Malvern and Metropolitan—

Hon. Mr. Randall: I know you are not.

Mr. Singer: —Toronto. Now please stay within the terms of reference.

Hon. Mr. Randall: You are very confused. You are confused.

Mr. Singer: No, I am not confused, and you are not going to confuse me.

Hon. Mr. Randall: We are trying to give you the facts and you do not want the facts.

Mr. Singer: What I would like from you is a positive statement. It is a very simple question. Are you prepared—

Hon. Mr. Randall: It is not simple—

Mr. Singer: —to put single family residential lots on sale out in Malvern; to sell them to the people of Ontario for nothing more than your acquisition cost plus carrying charges?

Hon. Mr. Randall: That is exactly what we have said.

Mr. Singer: Is that a positive commitment of the government?

Hon. Mr. Randall: That is exactly what we have said.

Mr. Singer: Now is that positive?

Hon. Mr. Randall: That is exactly what we have said.

Mr. Singer: And you are not going to make a profit on it?

Interjections by hon. members.

Mr. Singer: Having come that far—and this is important—can you tell me what your estimated cost of the sale of the 50-foot serviced lot is going to be in Malvern?

Hon. Mr. Randall: I understand the ballpark figure, when we get completed and the programme is under way, will be between \$6,000 or \$7,000, depending on the charges that go into it. The servicing costs are roughly \$20,000 an acre. I want to assure you, my hon. friend, that the only lots that will be sold at a profit are those that are going into the commercial area, so that the profit from that can be turned back into reducing the land—

Mr. Singer: All right. That is fine.

Hon. Mr. Randall: —cost to the modest-income family.

Mr. Singer: How many single family lots are going to be available out at Malvern that are going to be sold between \$6,000 or \$7,000?

Hon. Mr. Randall: You are going to be around all night are you not? We will find it for you. Do not go away.

Mr. Singer: No, no. I would say that you would be able to tell us that.

Hon. Mr. Randall: Oh, we will tell you. Yes, we have got it.

Mr. Singer: Why can you not tell me now?

Hon. Mr. Randall: Just a minute. Wait a minute.

Mr. Singer: We have been talking about Malvern for 14 years.

Hon. Mr. Randall: If you would just turn off that phonograph record we will tell you in about two minutes.

Mr. Singer: Seventeen years, 17.

Hon. Mr. Randall: We did not talk about it. I did not come here until 1963.

Mr. Singer: Along the way Mr. Chairman, could I ask another question? Perhaps you could give a quicker answer to this, while getting these figures. Could you tell me why Mr. Suters is not here? He is the head of your Housing Development Corporation. During the estimates one would anticipate that the senior civil servant in that department would—

Hon. Mr. Randall: That has nothing to do with the estimates.

Mr. Singer: I would like to know. I would say that is important.

Hon. Mr. Randall: I told you last night where he was. He was on vacation.

Mr. Singer: Where is he?

Hon. Mr. Randall: He is on vacation.

Mr. Singer: I see. Is he going to return to be the head of the housing corporation?

Hon. Mr. Randall: He is going to return as far as I know.

Mr. Singer: And is he going to be the head of the corporation—

Hon. Mr. Randall: You never can tell.

Mr. Singer: —when he comes back?

Hon. Mr. Randall: You never can tell.

Mr. Singer: No, I thought we never could tell. So Mr. Suters is on his way out. That is pretty obvious.

Hon. Mr. Randall: Well, I appreciate that the hon. member is not interested in anybody's side of the story but his; if he would just wait for a second or two. The breakdown on housing land proposed in the first development in Neighbourhood Eight is 340 single family; 85 semi-detached, which will produce 170 units; and land for 180 straight townhouse units, for 120 clustered townhouses, 150 terraced apartments and 400 high-rise. That is in the first development of Malvern.

There are 1,700 acres there, and you recognize that 800 acres fall toward the Rouge River. There are no services in there, so that will be the last area of Malvern to be developed.

Mr. Singer: How many years?

Hon. Mr. Randall: I do not know. Your guess is as good as mine.

Mr. J. B. Trotter (Parkdale): How many years?

Hon. Mr. Randall: I do not know. Your guess is as good as mine.

Mr. Singer: How many houses or single family housing lots are going to be made available for public sale in 1970?

Hon. Mr. Randall: I do not think we have said there will be any for 1970. I think we said 1971 would be the first.

Mr. Singer: The first time they are available will be 1971. How many single family housing lots are going to be available?

Hon. Mr. Randall: We would hope that the first phase of Malvern will be under way in 1971 and 340 single family units will be offered. It could be the latter part of 1971 or the early part of 1972 but we would hope to get them in 1971.

Mr. Singer: Will those be with houses on them or will they be just vacant lots?

Hon. Mr. Randall: They are vacant lots offered for sale.

Mr. Singer: How would James Trotter be able to buy one of those lots?

Hon. Mr. Randall: We would advertise the lots and James Trotter would make an application for a lot. Then the builders would take his builder proposal and go ahead and build it to the HOME Programme, the same as they do in any other—

Mr. Singer: Would these lots be sold to individuals or to firms like Bramalea?

Hon. Mr. Randall: They could be both ways. We think they are far better off to be sold to firms who come in with a builder proposal because it is obvious that if James Trotter decides to build a home for himself and find his own builder and builds one home in Malvern, he may be far better off to go to a builder who is going to build 50 houses who can dig 50 basements, buy 50 bathtubs and 50 doorknobs and 50 doors, and build it on an efficient basis. Otherwise he may wind up paying a hell of a lot more than \$24,000 for a house if he cannot get it done for \$24,000.

Mr. Singer: Would it be fair to assume that James Trotter or any other citizen of Ontario will not have an opportunity to buy any one of those lots? They will all be sold to companies?

Hon. Mr. Randall: No, it would not be fair to assume that at all. They would be offered for sale and any individual could walk in and buy a lot and make his commitment with the builder.

Mr. Singer: With the builder who owns the lots?

Hon. Mr. Randall: It would also depend, as my friend said here, on the approval of Central Mortgage and Housing. But if he wanted to buy—

Mr. Singer: What has Central Mortgage and Housing got to do with it?

Hon. Mr. Randall: They are a partner.

Mr. Singer: Oh, I see.

Hon. Mr. Randall: They own 75 per cent. You forgot that, I guess. All I want to point out is that Mr. Trotter can walk in and make an application for a lot and he can pick his builder to build it if he so wishes. But I think Mr. Trotter will be well advised, if he wants to get a well-built home at a price he can afford, to have it built by a builder who is building maybe 50 other houses in the same area.

Mr. Singer: Is it fair to assume from what the minister says that Mr. Trotter is going to be low man on the totem pole if he wants to buy one of these lots?

Hon. Mr. Randall: Not necessarily, no.

Mr. Singer: Not necessarily? I do not believe that either.

Hon. Mr. Randall: I think you are just a doubting Thomas.

Mr. Singer: I would say this, Mr. Chairman, through you to the minister, that when you have set the top figure at \$24,000 you have pretty well excluded—certainly for 1970, and very probably you have got a little edge on 1971—you have pretty well excluded any of this \$140-odd million, any penny of it, from coming into Metropolitan Toronto to assist the area of the province that has the greatest housing need.

Hon. Mr. Randall: You never mentioned that until now. You forgot that, did you?

Mr. Singer: I just do not see it. Now let me get on to—

Hon. Mr. Randall: Do not brush it off.

Mr. Singer: I brush it off very substantially because I just do not think that with housing and land prices being what they are in Metropolitan Toronto, anyone can possibly build a house for \$24,000 or under. So starting with that, and I think that is a most reasonable assumption—

Hon. Mr. Randall: You mean semi- or—

Mr. Singer: No, a single family house. So you have ruled out the ability of anyone in Metropolitan Toronto from benefiting to the extent of one cent insofar as this new mortgage is concerned.

Hon. Mr. Randall: May I ask you what you would do?

Mr. Singer: Yes, I will tell you. I am glad you asked that question. Let me follow up what Mr. Deacon, my colleague from York Centre, has had to say earlier in these debates. He has urged upon you the importance of supplying at provincial expense or through provincial financing the cost of services, because the government's whole scheme seems to end up with making the municipalities either provide services or we will not have homes.

I have followed with great interest the announcements of your colleagues, the

Treasurer and the Minister of Municipal Affairs, insofar as the Toronto-centred scheme is concerned and insofar as the new scheme for the new municipality of York county is concerned. I have followed with great interest, although with some frustration, the announcement that the boundaries of Metropolitan Toronto would be extended, at least on the north as far as some line that relates to the new proposed Highway 407. Your colleague, the Minister of Highways (Mr. Gomme), although he showed me great yards of maps, maybe 100 yards of them, was unable to indicate—

Hon. Mr. Randall: You would not be able to read them if you saw them.

Mr. Singer: Oh, I can read maps, too. I have had a little experience with them. He was unable to indicate with any certainty that that was the new line of 407. Your colleague, the Minister of Municipal Affairs, as recently as yesterday and after a series of questions, has been unable to say how far north Metro's boundaries are going to extend. However, yesterday he did stick to his guns and say it will go north; the line is under negotiation — inflexible negotiation, whatever that means—but it is inflexible negotiation.

However, in his statement he said that Metro is going to have another 50 square miles of land and, Mr. Chairman, it is very interesting to understand how large—I am sorry I have lost the minister in conversation with—

Hon. Mr. Randall: You have not lost me. I am all ears. You go right ahead.

Mr. Singer: The new 50 square miles of Metropolitan Toronto land is a city of Toronto and a half. For the edification of the minister, perhaps I could describe it this way. Metropolitan Toronto presently contains 240 square miles. Seventy of that is in North York, 70 in Scarborough, 40-odd in Etobicoke and 39 square miles in the city of Toronto. But what we are talking about is that 50 square miles. If we only extend the boundary northerly, it is another city of Toronto and a half. In other words, the new plans of your colleagues in government which have been announced as inflexible government policy would add to Metropolitan Toronto an area in size as large as the city of Toronto plus 50 per cent more.

In my very rough and inexperienced and inexpert guess, that would allow additional housing accommodation for perhaps 500,000

people. The only problem is, Mr. Chairman, that government policy has not encouraged the breaking of the land market—the breaking of this horrible system whereby a 50-foot lot now costs \$17,000.

Just envisage: if you would adopt the kind of scheme that my colleague from York Centre was talking about, if the province of Ontario would commit itself to providing services—water, sewers and roads—to that new 50 square miles, how quickly you would break the housing market in Metropolitan Toronto. Accepting your guidelines, you want to contain Metropolitan Toronto. Within your own guidelines you want to extend the boundaries of Metropolitan Toronto on the north by an area that comprises the city of Toronto plus a half more.

You could house 500,000 people. Think what you could do with a little imagination if you provided services, not at the expense of the municipality, but at the expense of the government of Ontario to suddenly break the housing market, to suddenly say, "We have housing accommodation for 500,000 people." Think what you would do to the cost of that 50-foot lot that now costs \$17,000, and think what you would do for the people who want housing accommodation, and who cannot afford it, because who can afford within the average wage, or far above the average wage, a house that costs \$28,000, \$29,000, \$30,000, \$31,000? Very few of our people.

So what you are doing is concentrating in pockets here and there, concentrating on your favourites—Bramalea and others—to provide an exclusive market and capitalize at the same time on the inflation. Think what you could do if you could adopt the theories put forward by my colleague from York Centre. Think what you could do if you were really determined to break the land market by using that 50 square miles.

The minister told us earlier in his estimates that there really is no problem about financing Harbour City. You are suddenly going to build islands—very expensive. You are suddenly going to create some of the most expensive housing developments to house 70,000 people at maximum down in the waterfront. You are going to disturb people by relocating airports. You are going to take over a very expensive parks system for the benefit of a few. Think what you could do if you embarked upon—

Hon. Mr. Randall: Mr. Chairman, a point of order. I think the member is wrong on three counts. We are not taking over any

extensive parks system. We are not building the most expensive land in the world; we are building the cheapest land that you will find anywhere in the province of Ontario because we do not have to tear down any buildings and relocate people. We are certainly not creating high-priced land.

Mr. Singer: All right. You deal with this land. You are not physically taking over the park, but what you are doing by putting 70,000 people—I listened to you; you just listen to me for a minute—on the verge on that park, is that you are co-opting that park, that was built at the expense of the citizens of Metropolitan Toronto, for these 70,000 new people who are not now there. Certainly you are, and you are denying that park system, by and large and by default to the two million people in Metro who now use it. Certainly you are. Now—

Hon. Mr. Randall: You have not even been there.

Mr. Singer: What I am asking you to consider is this, by your magic financing system—and it is not going to cost anybody any money, you say, as you wave your hands around; it is wonderful—all the province has to do is guarantee the bonds, and it is going to build itself and be self-liquidating, and on an on. Think what you could do if you could use the same financial magic to take vacant land. You are not going to have to rip down a single house, because there are not any, from Steeles up to 407. Think what you could do, by the same system of a guarantee of provincial bonds, by putting in water, sewers and roads and providing housing accommodation at a reasonable price for 500,000 people. Does that not grab you? I mean, you are the man who wants to enunciate all these great schemes. Think what you could do to break the housing market. This is the thing that puzzles me—why, Mr. Chairman, does the minister not have a little imagination, rather than trying to erect a Randall monument down there where nobody really wants it? Why do you not deal with the problem where it exists? This is something, Mr. Chairman, that I just do not understand.

That is all I wanted to say on that point. I do not know if the minister wants to reply on that, but I have got several more points I want to make to the minister.

Mr. Chairman: I would just say to the member for Downsview, just go ahead and present your case and then—

Mr. Singer: All right, if the minister wants to interrupt at any time—

Hon. Mr. Randall: I suggest you go right ahead. I will wait.

Mr. Singer: All right. Now—

Hon. Mr. Randall: I just want to say that I listened to your friend this afternoon from York Centre—is it York Centre or York South?

Mr. Singer: York Centre.

Hon. Mr. Randall: And I think he offered a lots of facts and figures which are worth checking out. I see you concur with his thoughts. I want to show you that if they are worthwhile we will check them out and we will come back to him with the facts and let him give us an argument as to why they will or will not work. We are quite prepared to listen to anybody, including you.

Mr. Singer: You see, Mr. Chairman, the real bottleneck in housing in this Metropolitan Toronto area—and I am not speaking with the same authority for the whole province, but I certainly think I speak with some authority for Metropolitan Toronto—is the cost of land. Because land is in short supply and the demand far exceeds the supply, the price of land—raw land, serviced land—has far exceeded the ability to buy, not only of the average wage-earner, but of persons 50 and 75 per cent above the average wage level.

If this government is really serious about doing something to provide housing for the ordinary citizen who lives in Metropolitan Toronto, it is going to have to find some kind of a plan that is going to provide reasonable housing at reasonable prices on that 50 square miles of land that Mr. McKeough and Mr. MacNaughton were talking about, and the Premier (Mr. Roberts) has been talking about. Otherwise, we just cannot accept what you are telling us, because your new mortgage scheme is not going to help one citizen of Metropolitan Toronto.

Mr. Chairman, let me move on to one other thing. I would be very interested in getting the latest report on the development of Flemingdon which the minister announced on the eve of the election of 1967. Flemingdon, by coincidence, is in the minister's riding and I can well remember the August headlines—"Randall announces new plan for low-cost housing in Don Mills; start immediately." Well, immediately was not 1967 or 1968 or 1969 or 1970 and as I passed by there this

morning, I did not see the shovel in the ground. Could you bring us up to date on that one?

Hon. Mr. Randall: Yes, I would be delighted to. You never know what obstacles you are up against until you announce that you have a plan, and the minute you announce that you have a plan, anyone who has any objection to it comes forward. They object through a number of sources, perhaps through the municipality, or through the Ontario Municipal Board, and as my friend well knows, we had one particular gentleman who issued a writ against the Ontario Housing Corporation for \$12 million and against Olympia and York for \$12 million over some bonds he picked up at 10 cents on the dollar and he was able to stop any production there for 15 months.

Despite that, we went ahead and put in the services and contracted for the services recognizing that this would be settled eventually. And then we had the Sayvette Company who had a fight with North York with reference to taxes, and they felt a good way to bring the tax situation to North York's attention was to lodge a protest with OMB against the development of 3,200 family units in Don Mills which had nothing to do with them, until I pointed out that I could not think of a department store that needed more customers than Sayvette; and then they agreed that perhaps we were right and they had a meeting among themselves and we put up the meeting for OMB, within three or four days—I do not think the member is listening to me here; I am just talking to myself.

Mr. Singer: I am listening.

Hon. Mr. Randall: I just want to make sure you are not missing anything.

Mr. Singer: Oh, I would not miss a word.

Hon. Mr. Randall: No, that is right. Hang on to every word because you are going to need it.

Mr. Singer: Yes.

Hon. Mr. Randall: I pointed out that Sayvette needed these 3,200 families and within a week that situation was withdrawn. Prior to that we had problems with North York. We want to make sure there are more community facilities there. As the hon. member knows, we built a \$500,000 community hall in Chapel Glen Village, which was shared cost-wise by ourselves and the developer and which was promised by Mr. Zeckendorf, who

I believe was the first buyer of the Don Mills property.

Mr. Singer: He had a little financial problem, did he not?

Hon. Mr. Randall: Yes, he went bankrupt, yes.

Mr. Singer: Yes.

Hon. Mr. Randall: Unfortunately, he went bankrupt—that is right. And so when all those matters were settled, then we were faced with giving away acreage. We started off with 70 acres; we wound up with 59 after giving a number of acres for community services; the last we gave was for community facilities to four religious denominations—I think it was the Catholics, the Presbyterians, the Methodists, and it seems to me it was the—

Mr. Singer: It was probably the Anglicans.

Hon. Mr. Randall: —the Anglicans. After we had given them the property, then they decided among themselves that only the Presbyterians and the Catholics could use it and they lodged a protest with the OMB, and eventually I got the gentlemen together and pointed out that they were not serving any purpose for themselves or ourselves, and that was settled, and as of Friday afternoon, at 5 o'clock, we received a building permit in North York that all the restrictions, all the objections were finished, and we could go ahead.

In the meantime, the services are in in the area and we expect if they have not dug a hole today, they will be digging a hole tomorrow morning or the next morning, and the project is under way.

I might point out that the project will only get under way because this is the first systems condominium village in Canada being built by any government—there is a consortium of five major builders in there—to utilize the systems building procedure, and only by offering 95 per cent of the mortgage money were we able to get off the ground, otherwise there would be no mortgage money available for the project.

I might point out to the hon. member that at the same time that he says I was making promises to the voters, I also put 524 public housing units in my riding which a lot of members have objected to, not only on your side of the House, but on my side of the House. Anytime I go to put in public housing, there are more objections from people

like yourselves than anybody else you can shake a stick at.

Mr. Singer: Oh, now just one moment.

Hon. Mr. Randall: So, let me just—

Mr. Singer: Do not make a statement like that.

Hon. Mr. Randall: Let me just point out—

Mr. Singer: Can you tell me, which Liberal member has ever objected to the erection of a single unit of public housing?

Hon. Mr. Randall: Oh, I do not have—

Mr. Singer: Tell me one; just tell me one.

Hon. Mr. Randall: All right now, do not get excited; do not get excited.

Mr. Singer: Now, you made a statement.

Hon. Mr. Randall: Do not get excited.

Mr. Singer: You said there were objections. Tell me one objection. Which Liberal member made the objection?

Hon. Mr. Randall: Do not get excited. The names and addresses will be—I will be glad to check them out for you, but I am just suggesting—

Mr. Singer: That is typical of the minister—you make these blanket statements that have no meaning at all.

Hon. Mr. Randall: No I was not. There are very few areas where we can put public housing that the members either federally or provincially or municipally do not come forward and say: "Look, can you put it somewhere else?"

Mr. Singer: But you just made a statement that there were Liberal members who objected to public housing.

Hon. Mr. Randall: Well, all right—

Mr. Singer: Tell me one Liberal member who did.

Hon. Mr. Randall: Do you want the public housing in your riding? Are you—

Mr. Singer: I certainly do.

Hon. Mr. Randall: Well, I will put—

Mr. Singer: I wish you would read my—

Hon. Mr. Randall: I will put your name on the top of the list.

Mr. Singer: I wish you would read my press clippings in 1954 when Gardiner and I were instrumental in putting in Lawrence Heights.

Hon. Mr. Randall: I will put your name on the top of the list.

Mr. Singer: Would you like to read that? I will bring them to you.

Hon. Mr. Randall: I will put your name on the top of the list.

Mr. Singer: But tell me one Liberal member who has objected to the erection of public housing.

Hon. Mr. Randall: Well, we will look them up and I will see if I can get—

Mr. Singer: Tell me one Liberal member.

Hon. Mr. Randall: I do not know one at the moment. We will see.

Mr. Singer: Of course you do not. It is typical of your statements.

Hon. Mr. Randall: Oh, not necessarily, not necessarily, not necessarily.

Mr. Chairman: Let us get on with the—

Mr. Singer: If you are going to make these blanket charges—

Hon. Mr. Randall: All right, you are making a lot of blanket charges, my friend.

Mr. I. Deans (Wentworth): How about you guys going outside and—

Hon. Mr. Randall: You are making a lot of blanket charges, and you are not prepared to listen to anybody's viewpoint but your own. This is your problem; you have got a one-track mind and you will never listen to anybody—

Mr. Singer: I may have that problem but you have many others.

Hon. Mr. Randall: Well, maybe I do. I told you I have got a lot of problems.

Mr. Chairman: I do not think that this comes under vote 2209 or 2210.

Hon. Mr. Randall: Let me just finish Chapel Glen. So Chapel Glen Village will now get under way. There are no further objections as far as we know. It will get under way and I just wanted to assure you, my hon. friend, that anything I start I finish. You can look at all the projects that I have

said will get under way and they are under way—either engineering, site-wise, planning-wise, or production-wise, they are under way.

Mr. Singer: The minister has set great store on the odd occasion he has been backed into a corner—

Hon. Mr. Randall: I have never been backed into a corner.

Mr. Singer: Oh, no, I know that. This minister is perfect beyond anyone's belief. There is a difference between the signing of an offer to purchase and the consummation of a deal, quite apart from the niceties of the legal phraseology. The minister announced in no uncertain terms in 1967 on the eve of an election that this great development was going to take place immediately. Would it be fair to say, in view of what the minister has now said, that his announcement on the eve of the election was at least three years premature?

Hon. Mr. Randall: No, it would not be fair.

Mr. Singer: No, it would not be fair. Could you explain why?

Hon. Mr. Randall: Yes, certainly. Because the price we paid when we did get the deal signed after all the rejections was exactly what we agreed on in 1967.

Mr. Singer: I see. But your announcement in 1967 said it was going to start immediately and it is not starting until maybe tomorrow.

Hon. Mr. Randall: I just pointed out why, it did not start. If you will not accept that, there is nothing I can do about it.

Mr. Singer: No, no. But your announcement was not correct.

Hon. Mr. Randall: Why was it not correct?

Mr. Singer: Because it starts three years plus later.

Hon. Mr. Randall: I had no reason to believe it would not start when sun-up came.

Mr. Singer: Oh, I see, okay, all right.

Let us leave Flemingdon for a moment. Let me talk about the fire problems that we have in Lawrence Heights.

Hon. Mr. Randall: Oh, I would love to hear about these fire problems.

Mr. Singer: Yes. Can the minister tell me what he has done since the two or three incendiary incidents took place that I talked about in the House a few months ago? Has he done anything to—

Hon. Mr. Randall: We have done quite a bit. Would Mr. Riggs like to report on the fire incident up there? Did you catch the people who set the fires and who you said were causing the problem?

Mr. Singer: I think the police did.

Hon. Mr. Randall: Have you got the names and addresses?

Mr. Singer: I am not a policeman.

Hon. Mr. Randall: Have you got their names and addresses? Whose side are you appearing on? Are you the prosecuting attorney?

Mr. J. W. Snow (Halton East): He is probably going to defend them under legal aid.

Mr. J. E. Bullbrook (Sarnia): That is a brilliant remark, you know. Worthy of a member of the House.

Mr. Chairman: Let us have a little order here. You asked a question; you are going to get the answer now.

Mr. R. W. Riggs (Ontario Housing Corporation): The corporation received from The Department of Justice a letter on April 27—

Mr. Singer: Federal or provincial department?

Mr. Riggs: It was the Ontario Department of Justice.

Mr. Singer: Thank you.

Mr. Riggs: —dated April 27, to the corporation outlining the results of its investigations into the fire at 4 Replin Road which occurred at 10.55 p.m., March 26, 1970.

Mr. Singer: Yes.

Mr. Riggs: There are certain parts in this report, if I may read from them?

Mr. Singer: Please do.

Mr. Riggs: The report outlines the physical structure of the buildings.

Mr. Singer: Yes. I am familiar with that.

Mr. Riggs: There is one statement here which concern the incendiary origin of the fire. It reads as follows:

The Metropolitan Toronto Police Department were notified on April 1, 1970, that the fire was of "incendiary origin"—

Mr. Singer: Oh, that is interesting. That was described as alarmist when I said that in the House.

Mr. Riggs: Quoting:

—and while the investigation is still in progress, we have as yet been unable to identify the person or persons responsible.

This was dated a few days ago.

Mr. Singer: I see.

Hon. Mr. Randall: You were not up there that night were you, Vern?

Mr. Singer: No, I was up a few hours after the fire; maybe six or eight hours.

Mr. Riggs: There was another statement contained in this report which I shall read:

One of the tenants of 4 Replin Road was quoted in the press as saying that he checked the standpipe hose in the cabinet on the fourth floor and could not budge the valve. He stated that he turned it both ways and that the firemen also tried to turn the valve but could not. District Chief Bolingbroke and Captain Wettlanfer were interviewed, and Bolingbroke—

Interjections by hon. members.

Mr. Riggs: Sorry, these are the words in the report.

Hon. Mr. Randall: Good Irish fellows.

Mr. Riggs: To continue:

Bolingbroke stated that when the tenant complained of the standpipe valve, he asked the tenant to show him and observed that that he was trying to turn the valve clockwise, thereby tightening it. Captain Wettlanfer immediately opened the valve with very little effort, stating that it opened so easily he could have done it with one hand.

Mr. Singer: I see.

Mr. Riggs: Reading further:

The plans for this building were examined and approved by the North York building department in 1954—

Mr. Singer: There is no question—

Hon. Mr. Randall: Mr. Singer was the reeve up there.

Mr. Riggs: Continuing:

—and construction commenced in October, 1956. The alarm system and standpipes—

Mr. Singer: This was after the fight of mine for public housing in North York.

Mr. Chairman: Will the hon. member for Downsview keep quiet for a moment until he gets all the answers?

Mr. Singer: I just cannot resist.

Hon. Mr. Randall: He is having fun. Leave him alone, Mr. Chairman.

Mr. Riggs: The report goes on:

The alarm system and standpipes complied with the township of North York bylaw No. 6110, dated April 15, 1949; however, the basement storage area was not sprinklered and it would appear that it should have been in order to comply with the North York bylaw.

But the director of maintenance engineering for the corporation does not entirely agree with this opinion.

Mr. Singer: Which corporation?

Mr. Riggs: The Ontario Housing Corporation. This basement is not a basement in the true sense. It is partially out-of-grade, and there would be an interpretation here as to whether it would be basement area or partial basement area, and I would assume that the officials of the township of that time would have properly interpreted the plans and it would call for non-sprinkling of this area as not being basement.

It goes on, and there are certain conclusions:

1. The fire resistance of the exterior walls complies with the 1953 edition of the NBC.

2. The fire resistance of the floors is somewhat less than the three-quarters of an hour required by the NBC. It is not felt that the floors should be brought up to the requirements of the NBC for the following reasons.

They indicate that they are so close to the requirements—and they are concrete floors over metal pans—that any additional would not be required.

They also go into the two stairwells, which are fully enclosed and meet all fire regulations. However, there are recommendations that the present gong system—

Mr. Singer: Recommendations from whom? From The Department of Justice?

Mr. Riggs: Yes. The department recommends that the present gong system should be upgraded to an automatic fire alarm system; that there should be, in the building, instructions to all tenants regarding the evacuation of the building—which I believe the minister, when questioned on this matter before, indicated that he would bring to the attention of the corporation which would implement this; and that certain partitions, particularly in the basement, and doors of certain locker rooms should have one-hour fire rating.

Other than those recommendations—the main ones being the upgrading of the fire alarm system from a manual one to an automatic one; the changing of certain doors from the present three-quarters of an hour fire rating to an hour fire rating; the changing of the control panel which should be placed in a secure area in the new automatic fire alarm system—there were no other major recommendations from the—

Mr. Singer: And the instructions to tenants. That is a pretty major one, is it not?

Mr. Riggs: I had covered that particular area.

Mr. Singer: Yes.

Mr. Riggs: But these were the areas that were found to be immediately upgraded, and certainly the corporation has been upgrading its older buildings which did comply with regulations previously. We have similar problems at Lawrence Heights, at Regent Park, which have similar systems, and in our modification programme we will be upgrading these systems to the new levels that are required today.

Mr. Singer: That is fine.

Hon. Mr. Randall: May I ask how much we are spending in Regent Park to upgrade this whole programme there, Mr. Riggs? Have you got a figure on that?

Mr. Riggs: I would not like to guess at it.

Mr. Singer: Quite apart from whether the minister has thought that my talk about incendiarism was alarmist or not, the report from The Department of Justice indicates it was an incendiary fire. I told you what the police said to me and they had a pretty good idea who did it. My suspicion is, and it is not an unfounded suspicion, that the police

scared away the persons who were doing it when they knew that they did not have the evidence. That was one good thing. The minister downgrading the thought that it could possibly be incendiarism did not do anyone any favours.

Could you tell me what you have done about updating the alarm system? Let me explain what the alarm system is; the alarm system may well, as the gentleman said, have complied with the provisions of bylaw, whatever it was—14600—when the building was erected. But if you look at the alarm system, it is a hand-activated system. To keep the alarm going, whoever wanted to activate the alarm and keep it going would have to stand under the alarm system and keep on pulling the chain which would bang the gong, whether or not the flames were licking around his ankles.

It is highly unlikely that the alarm system would be at all effective in a building where a fire was taking place, where smoke and flames and fumes were spreading through the building. You could not reasonably expect that some highly motivated citizen was going to stand there in the middle of all that and keep on ringing the alarm. Whether or not the bylaw was right in that day, it was certainly obvious to me when I made my remarks in the House, as it is obvious to The Department of Justice now, that the hand-activated system is just no darned good.

Could you tell me what you have done since March 26 to replace the hand-activated alarm system with an automatic system which will reasonably warn the people when a fire is taking place?

Mr. Riggs: First of all, to clarify about people standing on the burning decks—

Mr. Singer: Yes, I wish you would.

Mr. Riggs: These gongs, once they are pulled, are spring-loaded and they do continue ringing without someone—

Mr. Singer: No, they do not. I have stood there and pulled them, and to get them to ring a second time, you have to pull them again.

Mr. Riggs: Secondly—

Mr. Singer: They do not continue to ring.

Mr. Riggs: Secondly, the maintenance engineering branch of the corporation has engaged a consultant to undertake a scope of work to install automatic systems, with the

approval of the federal-provincial partnership, as this project is a federal-provincial project.

Mr. Singer: I see. Would you tell me for the comfort of the 5,000 plus people who live in Lawrence Heights, when we are going to have an automatic fire alarm system there?

Mr. Riggs: Subject to the approval of Central Mortgage and Housing Corporation, sir, in the year 1970.

Mr. Singer: In the year 1970. In what month in the year 1970?

Mr. Riggs: I do not know, sir.

Mr. Singer: You do not know.

Hon. Mr. Randall: Between now and the end of the year.

Mr. Singer: Pardon?

Hon. Mr. Randall: Between now and the end of the year.

Mr. Singer: Between now and the end of the year. That is another firm statement of government policy, is it? Fine; we will watch for that.

Insofar as the standpipes are concerned and your remarks about a certain tenant, I gather he was the one you were going to send to jail, not me; the minister explained that later. I may say that I tried a number of valves on the standpipes; I went through 12 buildings that same day I was there and there were at least three valves on the standpipes that I could not turn. I was turning them in the anti-clockwise direction.

I might say as well, Mr. Chairman, that inspection tickets on the standpipe boxes—which contain standpipes and hoses and hand fire extinguishers—in some cases had not been inspected for over six months. It may be that that is the standard procedure.

However, I have had occasion to examine standpipe boxes in several public institutions such as hospitals. Our hospitals downtown have their standpipe boxes examined every month. If the standard procedure is to examine the feasibility and the workability of these boxes only once every six months, I suggest to you that that is not enough. Even though you may save a few pennies on the basis of examining them once every six months, it would be my suggestion that you update them and you examine them at least once every month. Because there were at least two valves that I could not turn, quite apart

from your opinion of the gentleman who was complaining.

I would think that is something you should get at very quickly, because there are a lot of youngsters in there who are mischievous by nature and would get into things they should not. I am quite certain that it has occurred to various of your maintenance personnel that they could save themselves trouble by tightening those valves—on occasion too tightly—to avoid having the youngsters turn the valves on and having the water spread through the halls. That is a better risk, I would say, than not having those valves available to fight fires, when a fire might unfortunately occur. That is my second suggestion.

Hon. Mr. Randall: May I ask the hon. member one question? I am always mystified when I hear about the story up there. I think the gentleman you referred to weighs about 240 pounds and he is a part-time bouncer.

Mr. Singer: I do not know what he does. He is a big man.

Hon. Mr. Randall: The fire occurred in the basement and this guy was turning a hose on to the fourth floor. What did he intend to put out, do you know?

Mr. Singer: Well, I will tell you. I am glad you asked that question. It happened that at the time the fire occurred, one of the so-called self-contained fire columns—fire doors; fire control systems which are controlled by a series of fire doors—was just not working, because the door was propped open and the smoke spread. The intense smoke and fumes spread throughout the floors of that building.

Hon. Mr. Randall: Was he—

Mr. Singer: All the people coming out of the fourth floor apartments could see was the smoke and feel the fumes—breathe the fumes. They had no idea whether the fire was on the fourth floor or the third floor or the second floor or the basement floor.

Hon. Mr. Randall: What would the hose do?

Mr. Singer: The natural reaction of a publicly-motivated citizen—as I suggest this gentleman was—notwithstanding the minister's dislike of him—would be to run to a firebox to try to turn on the hose, because he saw smoke and he felt fumes. That same fellow knocked on the doors of half a dozen apartments on his same level and got out sick people and elderly people, and got them outside.

In fact, the whole matter was so serious that when the fire department arrived—and the North York fire department is a good one—they could not evacuate those people out of the normal fire exits. They had to break a fourth-floor window and take them out by aerial ladder. That is how bad it was.

So do not poke fun at this fellow: “240 pounds, who might be a bouncer,” were your words. He tried to help save people. I think you should commend him rather than criticize him.

Hon. Mr. Randall: May I ask one question, too? You recognize that he broke the chains on two doors leading to the roof, which immediately caused an up-draft bringing the smoke up to the top floor.

Mr. Singer: That may well be, and I am certain that he has had no great fire training. That is right. That may well be.

Hon. Mr. Randall: Okay, I will settle.

Mr. Singer: On the other hand. The fourth recommendation that your colleague there, as you describe him, put forward was that you have an instruction system for the tenants. This again was a recommendation of The Department of Justice. Could I ask you, finally, have you initiated the instruction system, and how is it being carried out, because had you bothered to instruct this gentleman, whom you want to criticize as to what he might do when a fire takes place, perhaps he would not have broken the chains up at the top? Perhaps you would not have discouraged him from getting other sick people out of the apartments and into safety. You are lucky that nobody died in there, because I do not think your fire precautions were good. Now can you tell me what your programme of public instruction is for the apartments?

Mr. Riggs: We have requested the assistance of the fire marshal's office to draw up and print sheets for every floor in every building of the Ontario Housing Corporation. These are now in process, and I would say they will be installed this summer in every multiple structure under administration by this corporation.

Mr. Singer: I see.

Mr. Riggs: The instructions will essentially be communicated to us by the fire marshal, as they are for other buildings.

Mr. Singer: I see. The fire that we talked about was on March 26. There was another

one two days later. You neglected to mention that, or the investigations into that. We have got by March and we have got by April. This is May, two months later, and a very simple recommendaion—it would seem to me to involve nothing more than the printing of one or two sheets of instructions—has not, as yet, been implemented. Can you tell me why you have waited one minute longer than that recommendation to implement it?

Mr. Riggs: In dealing with the fire marshal's office—

Mr. Singer: Yes. It is a provincial agency. You have not got that horrible federal group that will not act. Surely they can instruct, or prepare two sheets of instructions, even one sheet of instructions.

Mr. Chairman: Surely the member for Downsview will allow Mr. Riggs to answer the question.

Hon. Mr. Randall: He would never allow him to do that.

Mr. Riggs: I am trying to indicate that we have the concern of all our buildings, which are quite diverse. The Lawrence Heights building is basically a walk-up low-rise building, and we had instructed the administrative person on the property, and the resident caretaker on every one of our projects, to follow all safety instructions and fire instructions. We have also engaged a preventive and fire safety officer. We are attempting, in this particular case, in which we have high-rise buildings, low-rise buildings, town housing, clustered housing, to obtain a series of instructions for each one of our projects, and I notice in some 60 days they will be covered simultaneously. This is in the final stages of preparation. We do have a number of projects; they are all quite diverse. Now the time may seem to be long, but we are moving as quickly as we can.

Mr. Singer: Fine. The next thing I wanted to discuss with the minister, Mr. Chairman, was the question of the sale of these units—some 1,500-odd in Lawrence Heights and other places—to the tenant. When I questioned him in the House a few days ago, the minister said—and I think he repeated it again this afternoon—plans are under way, hopefully, to sell 1,000 units in various parts of the province. Could you tell me how the location—I was not clear on this at all, Mr. Minister—of these 1,000 units is being determined?

Hon. Mr. Randall: First of all, we will be selling primarily housing that is in the single

family housing category. Then we are looking at the semis, and the condominiums or row housing, and I would imagine the last on the list will be high-rise, which will create some kind of a problem, as the hon. member can appreciate. But I would think single family housing will be the first in priority, and the full recovery units, as my—

Mr. Singer: The what?

Hon. Mr. Randall: The full recovery units; the units that were built many years ago with federal-provincial-municipal co-operation in what they called full recovery units, where there are people living today who are earning a great deal more than they were earning when they moved in. But as there is nowhere for them to go and possession is nine points of the law, they are still there, and we have suggested to Ottawa that those units should be the first offered for sale, because in many cases the people have doubled or tripled their income since they moved in.

Municipalities have been reluctant to ask them to move and make room for lower-income families, so we felt that the first thing we should do is to offer those for sale and get them off our hands. If the people do not want to move, if they want to stay there, we agree with the municipality that perhaps we should offer those units for sale. And I would say that those units, plus the single family units we have under the housing corporation, are the first ones we have offered for sale out of the first 1,000.

Mr. Singer: Can you tell me, in this series of priorities that you have just outlined, whether Lawrence Heights figures at all? Because Lawrence Heights, as I say, is the largest public housing conglomeration in Canada—

Hon. Mr. Randall: At the moment.

Mr. Singer: —and it has a mix of, well, not high-rise, but medium-rise apartments. It has single-family publicly-owned buildings; it has semi-detached; it has row housing; it has everything. There are many people in there who just cannot see any way out of their housing dilemma, because their income has not even come close to being able to afford a house on today's market. They are paying rent, and they would like to believe that they are buying something that they own. Is there any way that something could be done for some of these people at least, based on the time they have been able to live there—12, 14, 16 years, some of them have been there,

and they just never seem to be getting ahead—that they would be able to begin to purchase their own homes and take some pride in their own ownership and to improve their own dwelling?

This is a place where the need is so desperate and where the minister could, if he could do anything, allow purchase of housing units by individuals in that area, whatever the terms be, to give those people some encouragement, and they need it desperately.

Hon. Mr. Randall: Let me say to the hon. member that as far as I am concerned, I would like to sell the units as of yesterday, but it is not that simple, as I am sure you understand, because of the number of units we have. We must give priority where it is easy to make a move and move in quickly single families such as we have talked about. I would hope that in the next number of units to be approved by Central Mortgage and Housing that we could move into semis, into row housing. We have asked for 5,000, as you know, from Central Mortgage and Housing Corporation; they have said to go ahead with the first 1,000 and see how we make out and then let us go to work on the second phase of the programme, which could be another 1,000 and another 4,000.

We are quite prepared, with the Ontario Housing Corporation, just as quickly as we get approval from Ottawa, to go ahead and put these other units on the market. But in view of the conglomeration of housing that we have in Lawrence Heights, I think the hon. member, being in the legal profession, would recognize that we would have a number of difficulties putting those on the market without ascertaining who in the housing development was able to take advantage of a mortgage programme. There may be one here and one there, and then they missed two or three on one other; and I think we would have to make sure that we could make a deal for the people in a block of houses in their interests, as well as our own, in trying to get the project under way. I would say that perhaps they will be in the next phase, but they are not in the first phase.

Mr. Singer: I am sorry the minister says they are not in the first phase. I recognize it is not the simplest thing in the world to programme in detail the kind of programme that would be necessary, and I can appreciate that. But this is a conglomerate of a variety of different types of public housing. There are single family units; there are duplexes and double duplexes; there is row housing.

The minister pioneered in Ontario in the field of the condominium. Surely it would be no great trick to turn a few lawyers loose and create condominiums out of these things. All it requires—it may be a little tough and it may be a little tedious—but all it requires is people with the proper training, whether legal or clerical or in title searching, to get down to this thing.

This is the place to do it. To my mind, those in Ontario should be among the first to be considered, because we have the largest concentration of people living in publicly-owned housing anywhere in Canada. This is a place that has a series of problems, the extent of which I am not going to go into tonight. But something has to be done to give them some encouragement. If the decision has already been made not to include them in the first thousand, I regret it. But certainly I am sure that if you put your people to work you can get them into the second thousand.

Hon. Mr. Randall: I think so too. Let me say to the hon. member that we asked, as I said earlier, for 5,000 units which would have included some form of row housing, such as you are referring to. Also a number of people in Regent Park are interested in buying their own homes and—

Mr. Singer: That may well be, and I do not exclude Regent Park from this argument at all; the argument applies there equally.

Hon. Mr. Randall: I know you do not, and I just suggested to you that these are the people we would like to see immediately become home-owners. But, at the moment, we have approval through our senior partner to sell the first 1,000. I am hoping that, as soon as that can be done, they will come forward with approval for the next 4,000, which would give us a chance to get into Regent Park and areas like Lawrence Heights.

Mr. Singer: Let me make this commitment to the minister. If he is prepared to tell us, and I would hope that he can tell us within the next day or two, I will be glad to go with him to Ottawa and use whatever persuasive abilities I have to try to convince the people in Ottawa that they should go along with an extension of this, because I think it is very urgent and I think it is a positive step that both levels of government should take just as quickly as possible to provide some real encouragement for the people who live in public housing. It could solve a great deal of problems. I think the minister has bought the idea. My substantial criticism is that both he

and Ottawa are moving far too slowly. I would like to see you get going on this thing.

Hon. Mr. Randall: I know the hon. member will take this in the spirit in which it is offered. I think I was the first one to suggest that people should buy public housing, and I have been suggesting it ever since I took over the housing corporation, so there is no delay on my part. As I said, as far as I am concerned, I would move, as of yesterday, if I can get the approvals from my partner and my partners in the municipalities involved. As far as we are concerned, I do not think we need the hon. member to worry about going to Ottawa. Just as soon as we get the 1,000 approved sold, and we can prove to them that it will work, I do not think Ottawa is going to be too difficult to deal with. As I said this afternoon, when one of the members was talking here, we are already moving on the basis of selling most public housing to tenants in Ottawa on a similar basis, only this is housing they moved into today at \$16,000, as you recognize. So I do not think there is any difficulty in getting the job done; it is a matter of having approval from our friends in Ottawa to go ahead and proceed with the other 4,000. If they do that, then I think we can move very quickly.

Mr. Singer: All right, I will accept that. I do not want to quarrel with the minister about whether he was the first one to suggest it or not.

Hon. Mr. Randall: Well I—

Mr. Singer: If you want to go back and read some of my speeches, you can go back as far as 1959.

Hon. Mr. Randall: I am glad to hear that I have got company. I did not read your speeches but I—

Mr. Singer: I wish you would. I think you would find them somewhat helpful.

Hon. Mr. Randall: Send me a copy. I would appreciate having—

Mr. Singer: They are all there in the library.

The final point I want to deal with is this, Mr. Chairman: I am sure the minister is familiar with the speech delivered by the Hon. Robert K. Andras in the House of Commons on April 21, 1970. This was referred to by me in question period, and the minister indicated that he was quite familiar with it and that he has adopted most of the ideas. I would like specifically to get his an-

swer and—I have been on quite a bit of time—I would like just to review these positive recommendations that he makes and get the minister's reaction.

Mr. Andras says in his speech:

We are proposing that (1) family size should be taken into account in arriving at rents. Taking a family with two children as a base, we are proposing to make a reduction in the rent for each child over that number, for instance, a reduction of \$2 per month for each child after the second.

Is that proposition agreeable to the Ontario government? And are you supporting that? The second one:

Working wives should be allowed to make substantially more than \$250 a year.

We got into a little discussion about that yesterday and someone suggested it was now \$900. It is not as yet. It might be on July 1, that is what the minister said.

Before it is considered as income for the purpose of calculating rent, we are proposing a level of \$900.

That is agreeable to the minister? Arising out of that, are you still going to set your detectives on the trail of whether or not the youngsters might work as parcel boys in the local shopping centre, or have a paper route and add a little to the family income, and readjust the rents, as a result of that? That happens now, as you know. Teenage kids go out and work, and what they earn is added to the rent and the rent goes up. It is a horrible sin, if they do not report that the kids have a paper route and earn a few extra bucks.

Hon. Mr. Randall: If they are working full time, the answer is yes. If they are just youngsters selling newspapers as you suggest and not adults—

Mr. Singer: On Saturday parcel boys or whatever they are doing.

Hon. Mr. Randall: If they are adults and they are working, then their income would be considered as family income. If they are youngsters going to public school—

Mr. Singer: Or high school?

Hon. Mr. Randall: Or high school.

Mr. Singer: Or even university?

Hon. Mr. Randall: No, I think if they are out of university and they are working that

their incomes will be considered, according to the rent geared-to-income programme, as income. As long as they are going to school, I understand they are exempt. If they are not going to school and they are adults, then their income is regarded as part of the family income.

Mr. Singer: But this is something new.

Hon. Mr. Randall: No.

Mr. Singer: Are you prepared to enshrine this in your regulations.

Hon. Mr. Randall: No, it is not new; it has always been this way. There is nothing changed there.

Mr. Singer: Well, I know that—

Hon. Mr. Randall: We used to exempt the first \$75.

Mr. Singer: Yes. It does not take a youngster with a paper route much more than a month and a half to earn more than \$75.

Hon. Mr. Randall: We are not talking about a youngster. We are talking about adult children who are out of school and who are working and become like a boarder in the home.

Mr. Singer: What I am specifically asking you is: Are you prepared to say in writing, so that it can be read that the earnings of youngsters who are going to school, whether they be by paper routes or by working Saturdays in the local supermarket or whatever else they are doing, while they are going to school, will not be considered as part of the family income?

Hon. Mr. Randall: Let me suggest that the article you are reading was in the press, and that is—

Mr. Singer: No. This is the text of his speech. That is the one I mean.

Hon. Mr. Randall: Yes, that is the text of his speech, but there are no particular details in there. The details of the Act, I believe, are in our hands right now, and we will follow the details of the Act. If that is what they suggest, that is what we will live by.

Mr. Singer: I did not ask you that. I am asking you that, since I can see no mention of the casual earnings of youngsters who are living at home, whether you are prepared to insist that it is part of Ontario policy that, if

a youngster who lives at home has casual earnings, they will not be included as part of the family income which will govern the amount of rent.

Hon. Mr. Randall: If they are of school age and going to school, you are absolutely right.

Mr. Singer: All right. And that includes public, high school and university students?

Hon. Mr. Randall: If they are going to school.

Mr. Singer: Okay. And that is Ontario government policy?

Hon. Mr. Randall: Yes. It is CMHC policy, which the Ontario government confirmed.

Mr. Singer: All right. And if Central Mortgage and Housing policy has not gone that far, you will urge it nevertheless; am I correct in that?

Hon. Mr. Randall: Oh, I think it has gone that far; that is right. It has gone that far.

Mr. Singer: Now, supposing it has not—and I cannot find it here in their statement.

Hon. Mr. Randall: Okay, you have—

Mr. Singer: Will you urge that nevertheless?

Hon. Mr. Randall: You have our assurance it has.

Mr. Singer: Thank you.

Mr. Chairman: Are you all—

Mr. Singer: Third:

Income of one-parent families, for the purpose of calculating rents, would be reduced by up to \$900.

Do you accept that one?

Hon. Mr. Randall: Yes.

Mr. Singer: Fourth:

The portion of income required as rents from families in higher-income ranges would be reduced from 30 per cent to 25 per cent. This is very important to avoid imposing undue hardship on tenants, particularly large families who cannot find alternative accommodation on the present market.

Are you prepared to accept that one?

Hon. Mr. Randall: Yes.

Mr. Singer: Fifth:

The final revision which we are proposing in the matter of rents is a method of adjusting rents as income changes. At the present time, tenants must notify the housing authorities as soon as their income increases. They propose a term of two years, and you had some concern about whether or not that was too long.

Could you explain that one to us?

Hon. Mr. Randall: Yes, we think that a one-year term as a moratorium on their income is sufficient, and Central Mortgage and Housing, as I understand, are having a second look at that themselves.

Mr. Singer: I see. Now, those are the five substantial recommendations; there are another four that I will refer to very briefly in a moment, as I quickly read this text of Mr. Andras' speech. Is it clear that, however they are amended—the discussion of two years and one year—these will be implemented on July 1, as you said a few days ago?

Hon. Mr. Randall: Yes. We are endeavouring to get the amendment in by July 1. I think a week ago—you will be glad to know—we sent out notices that a security deposit will already be applied to their rent. The other two items were a new tenant and landlord lease, the new lease—

Mr. Singer: Those are in the next four, yes.

Hon. Mr. Randall: Well, the new lease is to go out, and we will make this changeover, we anticipate, by July 1.

Mr. Singer: All right. The other four, the minister has dealt with.

Social and recreational facilities in both new and existing public housing will be eligible for federal assistance; the precise nature of these facilities will be negotiated with the agencies concerned.

I do not know if the minister is familiar with the co-operative grocery store that has been set up in the church basement by the people in Lawrence Heights. Would this provision or this idea encourage Ontario Housing to try and provide some facilities for this co-operative venture in Lawrence Heights?

Hon. Mr. Randall: I do not know. What is the store there? Do you know—

Mr. Singer: They could not get accommodation in Lawrence Heights and they went to a church basement a few blocks away. They

tell me it is operating very successfully. They were very disappointed that they could not get within the boundaries of the development.

Hon. Mr. Randall: Are you suggesting now if they are paying rent in the church basement that the housing corporation—Central Mortgage and Housing would support it? Are you suggesting—

Mr. Singer: I am asking whether or not, under this heading of amenities that Mr. Andras refers to, whether it could not be reasonably conceived that this is the sort of thing, encouragement of initiative by the tenants, that could not be done within the boundaries of the development, rather than forcing them away to a church where they have something less than good facilities and something less than full ability to operate.

Hon. Mr. Randall: I will ask Mr. Riggs if he will comment on it; he has been dealing with it. If you will, Mr. Riggs.

Mr. Riggs: Perhaps, in replying, there are two ways.

In regard to the co-operative, we have always dealt with tenants' associations as closely as we can. In that particular co-operative, the tenants' association was not unanimous on it being put in the project. There was one group that did go for it. There was a larger group, I am advised, that opposed it. This was brought to our attention.

We have assisted similar situations in other projects, such as Edgeley, where we put in commercial space and it could have been a co-operative, as well as commercial, if we had been approached on it.

We have helped persons—by the CNIB tuck shops, and items of that nature.

In reply to the second part, the guidelines established by the federal government are numerous. They propose grants to tenant associations if they are duly constituted associations representing six per cent of the tenants in any development. And this is what the federal government is laying down as a guideline.

Secondly, any projects—social programmes, recreational facilities—are to be submitted to Central Mortgage upon receipt by this corporation of a specific programme from a tenants' association.

So it is an *ad hoc* arrangement, to the best of my knowledge, that is every case that a programme comes forward from a tenants' association to the corporation, we have the

option of recommending it, or recommending on a shared basis with the federal government, and these are the guidelines that we have been advised to proceed under.

Mr. Singer: Well, your remarks are very illuminating, because I say if you can make those remarks in all seriousness, you do not really understand what goes on in Lawrence Heights.

Whatever project comes forward, whether it be baseball, or cribbage, or skating, or hockey, or co-operatives, the bulk of the people there are disinterested. I do not think they oppose, but they are disinterested. The initiative that comes, comes from a series of small groups.

The reason there is baseball for kids is because enough concerned people set out and form a baseball league and put their hands in their own pockets to support it. You are never going to get half of the 5,000 people to say they are in favour of a co-operative, or that they are in favour of the tenants' association.

Unfortunately, because these are economically deprived people, there is very little local leadership that has time to arise from among their midst. They are so busy worrying about their own family problems and their ability to pay their bills, that it is unusual to get someone with the time or the training or the ability to really provide tenant leadership.

If you are going to look for the majority to be in favour of a co-operative, or a cribbage club, or a baseball scheme, or tenants' association, you are never going to find it in as large a development as Lawrence Heights.

My suggestion is—and I say this in as kindly a fashion as I can—if the gentleman's opinion is an expression of government policy, you had better inform yourselves about the problems that exist in Lawrence Heights. Where you can find a group of people, however small, who are desirous of advancing some kind of scheme which, even by the remotest chance, might allow some of those tenants to live in a better way, then you should encourage it.

Do not look for arbitrary guidelines, like 50 per cent. Look for what will benefit those people. And please go in and see; do not just write it down on a piece of paper and say, "These are the guidelines and this is the way it works," because it does not work that way in Lawrence Heights.

Hon. Mr. Randall: Mr. Chairman, may I just point out to the hon. member that I have a lot more faith in my friend Mr. Andras than perhaps he does. He laid down the regulations, we did not lay them down. We made the

recommendations; he laid down the regulations that we just read out here.

As far as I am concerned, they have already stated that they want to help tenants' associations, they want to advance some moneys. They have done that down in Regent Park and, while they may have said they have 50 per cent of the people participate, I am quite sure if a tenants' association came to us and it was a legitimate, legal tenants' association, Whether they had 50 per cent or not, I am sure my friends at Central Mortgage and Housing would not be so hard and fast that they would not permit the kind of operation you are talking about. And on our recommendation—I think they are going to leave it to us to make these recommendations, and we certainly intend to make them.

Mr. Singer: All right, let me say this finally in conclusion, Mr. Chairman. You are the people on the spot—

Hon. Mr. Randall: We are always on the spot.

Mr. Singer: All right, you are on the spot and you are close to it. It is much easier to say in Ottawa if you are going to support a tenants' association, you must have 50 per cent, but I suggest if you get your people in there who have a little human feeling, you can feel what is going on in there, that you will make the most urgent recommendations to Ottawa that their guidelines might be wrong on certain occasions and that if you discover a scheme that has some merit, that you will encourage it, even if only one per cent of the people think it is worthwhile. Anything you can do to improve that situation will be a plus.

Hon. Mr. Randall: You have our assurance.

Mr. Chairman: The hon. member for Sarnia.

Mr. Bullbrook: Thank you, Mr. Chairman. I will try to be brief, because I am going to refer to only one situation and request, after I have made my remarks, some answers to some questions by the minister.

First of all, I would like to say in connection with the total housing problem throughout the province, I think all of us, as members of this Legislature, have to be guided to a certain extent by those situations that arise in our area, and look at the efficacy of involvement by the housing corporation in relation to what we see locally.

I took the position in the last two years that the housing corporation knew what it was doing. I am now confused in that connection.

I am wondering whether they are guilty of non-feasance, or malfeasance, or misfeasance—by that I mean are they negligent, do they know what they are doing, or are they motivated by some situation that has not been brought to the attention of the member of this House?

I would like, with your permission, to read a letter dated August 6, 1968, that was directed to the mayor of the city of Sarnia by one R. E. Rowcliffe, a director of a company called Brockfield Investments Limited and it reads:

Dear Mayor Blundy:

I understand you are interested in finding and making available vacant lots at a reasonable price for low-cost housing in Sarnia and its environs.

Our company is the owner of part of lots 2 and 3 and 4 in block C according to registered plan 13 of the township of Sarnia, part of which fronts and lies east of Murphy Road, as yet unopened. The parcel owned by us and available for purchase is shown outlined in red on the survey attached, which we are advised could provide about 400 lots of standard size.

Our company is prepared to sell to the city, or its nominee, all or part, if all is not required, of such land at a price of \$1,000 per lot of standard size.

In any such sale, the purchaser would be responsible for:

1. Preparing and registering an appropriate plan;

2. Obtaining any change which may be required in the zoning and use of such land; and

3. Obtaining any necessary consent to severance of the part purchased and making payment of any amount or donation of any part of such land as may be required by the township of Sarnia.

Our company is prepared to leave this offer open for two months, and if desired our company will give an option to purchase the same upon such terms.

May I interject by saying that concludes the letter and it is signed by Mr. Rowcliffe.

An additional letter that I will read will make it amply clear that I hold no brief for Brockfield Investments Limited. I know Mr. Rowcliffe is a solicitor in our city; I do not know who the principals of that company are. I believe there are some negotiations at the present time that might involve this company, but I am not certain of that.

I read that letter because it initiates a response by the city manager of the corporation of the city of Sarnia under date August 14, 1968, to Mr. G. Wayne Murchison, director, land development, Ontario Housing Corporation, at the appropriate address, and reads:

Dear Mr. Murchison:

I enclose a copy of a letter from Brockfield Investments Limited dated August 6, 1968, together with a plan showing part of lots 2, 3 and 4, block C, RP 13.

City council, in dealing with this letter, passed the following resolution:

That the city of Sarnia council urge the Ontario Housing Corporation to consider the purchase of the land set forth in the offer dated August 6, 1968, from the director of Brockfield Investments Limited for housing under the HOME plan, and indicating that city council is willing to supply available services at the expense of the developer and also that a copy of this resolution be forwarded to the township of Sarnia and Mr. J. E. Bullbrook, MPP.

They just go on then and suggest that they might get in touch with Mr. Rowcliffe, director.

Laterally to that, it had been brought to my attention by several constituents that in connection with a proposed plan by the corporation in conjunction with some expropriation proceedings by the city of Sarnia that some of my constituents were concerned with rear yards. The minister might recall that I had written to him in this connection and he was kind enough to write to me on August 14, as follows. He said:

In connection with the proposed land assembly project containing some 100 fully serviced lots—

And I make it amply clear, if I make, in case I confuse, that we are referring to a different project entirely.

—the municipality has proposed expropriation for certain rear yards in that community. In regard to your concern, I have asked my officials in the Ontario Housing Corporation to consult fully with the residents concerned, should the municipality proceed with the above-mentioned land.

The city of Sarnia, as you well know, is currently faced—

And I invite your consideration of these words, Mr. Chairman—

The city of Sarnia, as you well know, is currently faced with an acute shortage of

land. Our survey indicated that the city requires some 250 fully serviced lots and our investigation indicates the city does not have sufficient available serviced land within its boundaries to satisfy the present need.

A report of our survey was presented to council on May 17, 1968, and the city passed a resolution on May 14 with respect to the proposed expropriation. In the meantime, the Ontario Housing Corporation has been looking at land located outside the municipal boundaries, but which would be acceptable to the municipality for the land assembly project development of the HOME programme.

Negotiations have taken place with several owners and a report is to be submitted to the board of directors of the Ontario Housing Corporation on August 20, 1968. As soon as a firm decision has been reached, I will advise you.

Now, Mr. Chairman, during the interval between the response by me to the minister and that letter from the minister to me, it came to my attention that the Ontario Housing Corporation was considering the acquisition of certain lots owned by St. Clair Woods development; these lots are in the township of Moore.

I then wrote a letter to the minister, and I will read it in its entirety if you wish, but I want primarily to bring to your attention the last paragraph of it. There is nothing in the letter that I do not want you to hear at all. I do not want to burden you unduly. I thank the minister for expressing his concern in connection with the rear yard problem I refer to the proposed purchase in the township of Moore, and I say:

I must also be frank in stating that I was under the impression that there is some liaison or part ownership of some nature by Bramalea corporation in the St. Clair Woods development. Is this not the same company or interest with whom the corporation dealt last year in the acquisition of lands in the Toronto area?

Now, I digress again by bringing to the attention of the members of this committee that the minister tonight had called this corporation very efficient. That is why he is prepared to deal with them, and I am not sure whether he said to the tune of \$44 million, but they are a very efficient corporation.

May I say also that you just have to hearken back to the discussion that took place with the previous speaker, the hon. member for Downsview, in connection with the dealings

that took place between the housing corporation and Bramalea previously.

I continue, and this is the essential aspect of the letter, and I invite your attention too, Mr. Chairman:

However, Mr. Minister, I consider the most important feature to be the location of the St. Clair Woods land. As you mentioned in your letter of August 14, the corporation survey indicated that the city requires some 250 fully-serviced lots. I ask you to consider that the St. Clair Woods lots are not sufficiently close to the urban area to constitute satisfaction of that need. I hold no brief for the price requested by Brockfield Investments as I am not knowledgeable in connection with the land value. I do ask you to consider support of the city's position.

May I say, in fairness to the minister, if I had a reply to that—and the minister might well have replied—I could not find it in my file, and it might well be my fault. There might well have been a reply. But what has caused me concern—and I did not bring this matter up last year during the course of the estimates—was I thought perhaps that the Ontario Housing Corporation, and this minister, were more knowledgeable than I in this connection; they knew how to serve the needs of the people in the area.

What they did, in effect, was go forward in March, 1969, and purchase 50 lots from St. Clair Woods for \$210,000, or \$4,200 per lot. I want to bring to the attention of you, Mr. Chairman, and the members of this committee, that in September, 1969, St. Clair Woods Limited conveyed to Bramalea Consolidated Developments Limited and St. Clair Developments Limited, and they formed a joint venture carrying on business as Sarnia-St. Clair Construction Company. This was in 1966. I bring this to your attention because there comes forward Bramalea Consolidated Developments Limited. I, as a solicitor dealing on behalf of Central Mortgage and Housing Corporation, as I then did prior to my election to this House, had occasion to deal on behalf of Central Mortgage and Housing Corporation at that time involving St. Clair Woods, and all material was forwarded to the offices of Bramalea Consolidated for execution of the mortgages.

Mr. P. J. Yakabuski (Renfrew South): You will have that information forwarded to Central Mortgage and Housing?

Mr. Bullbrook: That is right. And I bring it to the attention of this committee. I am

saying it affected Bramalea, which was involved in the original acquisition, or subsequently with the management of this total development. This is substantiated, Mr. Chairman, by the conveyance that was subsequently made. What causes me concern as a member of this House—and I wish to attempt to substantiate the comments that I made previously—is that since March, 1969, when those 50 lots were purchased, one lot has been sold.

Mr. E. Sargent (Grey-Bruce): One lot.

Mr. Bullbrook: As of 10 o'clock this morning in the registry office, one of those lots has been sold. I have no knowledge of any offers to purchase concurrent with any other lot and it might be that the minister or his colleagues, as he calls them, might well satisfy us, but the reason I bring this to the committee's attention is that we have a minister of the Crown pointing out to a member that an urban area requires immediately, with urgent need, 275 lots. Subsequently, we have the member writing to the minister saying: "Please reconsider the proposed or rumoured acquisition from St. Clair Woods of 50 lots"—in a development, gentlemen, that was not a financially feasible development, and that today is not a financially feasible development. The fact of the matter is that they incorporated their own construction company in 1966 and acquired, for \$3,000 a lot, 25 lots from the original owner and they have been able to build only 14 houses in four years.

We have, three years later, the corporation coming and paying \$4,200 a lot for them. This is one of the questions I want to ask, because you cannot say in all fairness that there has been an acceleration of land values there. I would think that the people who guide the decisions of this corporation must have been unnoticing. They had to be unnoticing, gentlemen, that this was not a feasible proposition, that the people obviously either did not want to live there or could not afford to live there, or for some reason were not accepting this particular development.

I suggest to you, Mr. Chairman, through you to the minister, that this, of course, is exemplified and fortified completely by the fact that in 14 months since the corporation has acquired these fully-serviced lots, they sold one lot, and that is by agreement of sale. May I suggest to you—

Mr. Singer: Has it been consummated?

Mr. Bullbrook: May I suggest to you that if it is by agreement of sale there has not been a deed given. Usually in those circumstances, therefore, a house has not been built, so that one might legitimately conclude, and this is purley an inference on my part, that there is not one house built on those 50 lots. But the fact of the matter is, whether or not there is a house built, there is only one lot sold.

I have heard many discussions in connection with an inferred liaison between Bramalea and Ontario Housing Corporation. I invite your consideration of this and I invite the response of the minister in this connection.

Why? In my first question, I would like to have an explanation as to the total investigation made by the corporation as to the feasibility of the lots purchased for resale purposes. That is the first thing I would like to know. When you see a corporation that has developed this type of development and they themselves in a period of three years are able to sell through their own construction company only 14 out of 25 lots, one must be put on guard. Certainly one must be put on notice.

There were 40 lots sold to a company called Sarnia Lumber and Builder's Supply. They are sorry, I am led to believe, that they ever bought those 40 lots. But of course, when they received \$210,000 from the Ontario Housing Corporation, it enabled them to exhaust major financial obligations concurrent with that development. In addition to the first question, I would like to have knowledge as to why the minister did not seem to give any consideration to the last paragraph of my letter. I think this is important. He might have valid reasons as to why he did not.

But one has to consider that the land purchased was, I believe, and I hope I am subject to correction, about nine miles from downtown Sarnia. I would say about six miles from the limits of our community. It caused me concern as I expressed in the letter, Mr. Chairman, that if you are going to satisfy an urgent urban need, that urgent urban need could not be satisfied by going down and doing business with Bramalea Consolidated, at least peripherally, nine miles from the heart of the urban area.

The next question I have is: I would like to know whether the shortage referred to in the minister's letter of August 14 has been taken care of. I would like to know what representations were made by St. Clair

Woods or by any associated company, including Bramalea Consolidated Developments Limited to the corporation. I would like to know how the corporation arrived at the propriety of \$4,200 a lot, and the companies themselves conveyed to a joint venture company the loss of \$3,000. I will not accept the answer that there was a natural accretion in value. Quite the contrary, I think the values in connection with those lots have actually lessened, rather than increased.

I want to know who—if they were secured by the housing corporation on independent appraisals—did the appraisals. I want to know whether the people who did the appraisals had anything to do with the real estate company that worked out the transaction? This is most important in connection with my particular satisfaction and, Mr. Chairman, I want to say this to you quite forthrightly. I would love to walk out of here tonight or perhaps tomorrow afternoon knowing that there was a total, full, effectual and satisfactory answer to my inquiries, removing from my mind any suspicion that lies there.

I ask the minister if he would table the correspondence, either with his department or with the corporation, involving the acquisition of the lots from St. Clair Woods? I would like to read all the correspondence. I would like to read correspondence involving any political influence that might have been brought to bear in connection with the acquisition of these lots. I would like to read the correspondence from the solicitor who might have acted for St. Clair Woods or Bramalea. I would like to know the total involvement of the housing corporation in connection with this land deal.

Mr. Trotter: Those Bramalea boys sure get around.

Mr. Bullbrook: Now if I might I want to, if you will permit me—

Hon. Mr. Randall: Mr. Chairman, might I interrupt a minute? I notice the comment of my hon. friend from Parkdale here. I think it is wrong to infer that the Bramalea Corporation is run by a bunch of crooks.

Mr. Bullbrook: I am not inferring that, sir, you realize that.

Hon. Mr. Randall: You keep talking about Bramalea and I tell you—

Mr. Bullbrook: Mr. Chairman, if I might. Mr. Minister, I never said anything about crookedness.

Hon. Mr. Randall: I know you did not. Your friend here said that the Bramalea Corporation sure gets around. Let me assure you that any corporation does, that is on its toes, and Bramalea is one of them, in my estimation, whether you like the way it operates or not. They are dealing all over Toronto. I understand they have a lot of holdings in St. Catharines. They are liable to deal anywhere, but because they are dealing outside of Bramalea does not necessarily mean to say that they are not running a corporation on an honest and sincere basis, to render a service to the public in order to make a profit. Now, let me finish.

Mr. Bullbrook: Why should he interrupt like this now? I just do not understand this.

Hon. Mr. Randall: I think I have a right to interrupt—

Mr. Chairman: You should answer the questions of the member for Sarnia. The member for Parkdale has already had his opportunity.

Hon. Mr. Randall: The member for Parkdale's comments are going in *Hansard* and they should not be—

Mr. Bullbrook: You are going to have every opportunity, and this is the point I have tried to make before—we are dealing with this on a fully parliamentary basis. I am very appreciative of it but the fact of the matter is, Mr. Minister, that you are going to have every opportunity to answer me either this evening or tomorrow. I am sure you will do more than an adequate job in answering. I am sure you will. But if I might be permitted to respond to you—

Hon. Mr. Randall: All right, ask your friend from Parkdale, then, to let you finish.

Mr. Bullbrook: Pardon?

Hon. Mr. Randall: Ask your friend there in front of you to let you finish.

Mr. Bullbrook: Will the minister comment on this, since he is knowledgeable as to Bramalea's operation—although not necessarily the internal management of Bramalea, but obviously it is a very efficient corporation. He is prepared to advise my colleague for Parkdale, if I might, Mr. Chairman, that they do good work. Since the minister wishes to take that tack, I would like to know the entire involvement of Bramalea in this total St. Clair Woods development. I would like to know if the minister could tell me, for example, who the principals are of Bramalea? Who are

the principals of St. Clair Woods? What liaison do they have, one with the other?

You see the problem here is that we are subject to so many rumours. I get rumours all the time. I hear who the principals are and I cannot, I do not want to, vest those rumours with any credence by mentioning the names because I have no proof, if you follow me. But will you tell us who these people are?

I am not going to get into this, but I want to mention that this is the problem we have. I am going to tell you that a constituent of mine told me that somebody high up in the corporation had a direct liaison with the construction company that you all talk about. What is the name of it?

An hon. member: Headway!

Mr. Bullbrook: Headway. And this is the thing. We, as members of this House, can go forth and resist this type of thing, if you tell us, "This is Headway. They started in the Lakehead but there is nobody in this corporation—principal, servant, agent, employee—who has any direct or indirect liaison with Headway Corporation, other than in the performance of their bounden duty to this corporation." That is all we want. We can take the cudgel up for you, Mr. Minister. That is all we want.

I am going to close, if I might, by making a couple of general comments. I appreciate the time you have taken and it is in connection with things I have heard here today that I want to record this.

First of all, a comment made by the member for Lakeshore (Mr. Lawlor) this afternoon in connection with the utilization of trailers.

It seems to me that the answer given by the minister was not adequate. This government is prepared, on many occasions, to say to municipalities, "It is in the public interest that you do this." As a matter of fact, the government has given to the Minister of Municipal Affairs the power to say to a municipal corporation, "You do not exist any more; you are out of business." So when we talk about the need for provision of adequate trailer court facilities throughout this province, the answer cannot lie in the response by the minister—that it must be up to the local municipality to make the decision.

I believe, as sincerely as any of us do, Mr. Chairman, in the autonomy of local municipalities. But the fact of the matter is, if there is a total provincial problem and if because of the, not selfish, but the understandably pro-

tection attitude of municipalities toward their citizens in specific neighbourhoods, they do not want trailer courts, then the province of Ontario must intervene. They must. We have no alternative.

We have got to provide this type of housing availability to the people of Ontario because, Mr. Chairman and gentlemen, there are so many people in the province of Ontario who can only afford that type of housing. We can no longer leave it to the individual council. If they will not see their bounden duty to provide that type of accommodation within their geographic bounds, then we, as a provincial body, must see that it is done.

I want to mention also, if I might, in closing, that I am not prepared to accept the attitude of the minister in connection with the portfolio arrangements of life insurance companies and trust companies. The answer to their problems—or the reason for their abdication of their social responsibility and their retrenchment in connection with lending in the field of real property mortgages and concurrent securities—was not the budget attitude taken by the federal government two years ago. That added to it, I agree entirely, Mr. Minister. But we all know, who have anything to do with business, that it was many years ago that the trust corporations and the life insurance companies made up their minds that they were going to get into the equity field. That is when this government had to move in and, frankly, that is when the federal government had to move in at the same time. Both governments deserve a great deal of chastisement, and this is not new.

We discussed this, Mr. Minister, at length during the estimates of your colleague, the then Minister of Financial and Commercial Affairs (Mr. Rowntree), last year. The time has got to come when the profit motivation—as much as I admire it and as much as I hope selfishly to be a part of it—cannot be the essential equation between corporations of that nature and the public need.

We have a bounden moral obligation to say to these companies, "The profit motivation is not everything; you have to put your money where the need is."

Some hon. members: Hear, hear!

Mr. Bullbrook: Thank you, Mr. Chairman.

Hon. Mr. Randall: Mr. Chairman, let me say to the hon. member for Sarnia that we will document the information he asks for tomorrow. He has asked a number of questions. I think he appreciates that we would

have to dig up the correspondence he has before him. There is some correspondence that he claimed is missing. I am not too sure whether we have it or not but I will look for it tomorrow.

Mr. Bullbrook: No, no. I did not say it was missing.

Hon. Mr. Randall: I think you said there was a letter that I did not reply to.

Mr. Bullbrook: No. Let us have the record straight there. I was not claiming there was any correspondence missing. I apologize to you for not having read your reply to my letter of August 21, because I do not know whether there was one. My file does not disclose it, so in fairness to you I wanted to say that you might well have replied several times to me. I just cannot find it. I think that is a result of moving files back and forth from Sarnia.

Hon. Mr. Randall: I just assumed that there was a letter of mine that was missing.

Mr. Bullbrook: No.

Hon. Mr. Randall: I will look for it tomorrow and see if I can find the rest of the file. Any correspondence we have with regard to St. Clair Woods Development Corporation we will be glad to put on record and we will be glad to discuss this entire programme with the hon. member. I think perhaps if we are on tomorrow afternoon or Thursday afternoon or Thursday night, that we will have all that information.

Mr. Bullbrook: I am genuinely interested. I close again in saying, what I am interested in is why the corporation made that decision? How did they rationalize that decision, after one lot is sold from 50? That is it.

Mr. Chairman: The hon. member for Peterborough.

Mr. W. G. Pitman (Peterborough): Thank you, Mr. Chairman, I would like to make a few, very terse comments on the problem of housing and then turn to a series of questions of the minister.

First, I think that one cannot help but be impressed by the amount of interest shown by members of the Legislature in this problem of housing as well as the level of participation which has followed upon this particular estimate.

It is rather interesting that a number of experts were brought together in the United States just a few weeks ago. They were asked

what they saw as the major problems facing the North American continent between now and 1980, and they selected two problems. One was unemployment, and the other was housing. One would perhaps have expected them to be the Negro problem or a number of other social problems, such as the problem of poverty.

As they saw it, the shortfall in housing would be so serious within the next five or six or seven years that this would cause a major dislocation in regard to society. As well as that, the technological problems of dealing with unemployment were becoming so massive that they saw this as the other major dislocation.

I do not think that one can say that it is very far different in Ontario, in Canada, than it is in the United States. That is just exactly the reason why we in the New Democratic Party suggest the need for a full department of housing in urban affairs at the provincial level, and that we think it deserves its own department, its own minister, its own estimates, its own rationale. We have The Department of Labour to look after employment but certainly not a department of housing and urban affairs.

I have a number of questions I would like to ask the minister. Over the past number of weeks we have seen, as we have said on other occasions, perhaps the first phase, if not a particularly detailed plan, of the development for the province of Ontario, particularly the Toronto area, what is regarded as the Toronto-centred plan. As soon as that plan was projected, describing in a very general way plans for the area, the price of land rose in certain areas and the price of land went down in other areas.

What I would like to know is how much land was acquired by the Ontario Housing Corporation? To what extent before that plan was brought forward, before it became quite obvious that there were going to be great housing needs in many of these centres which were now projected as having considerable growth, to what extent did the Ontario Housing Corporation react in advance to that kind of a need, or to what extent is the Ontario Housing Corporation going to pay now the higher prices which are being created simply by the projection of that plan? Could the minister indicate if there were any reactions, previous reactions, by the Ontario Housing Corporation?

Hon. Mr. Randall: Let me say this, and I do not speak from any facts before me, we

have always looked around for land deals in the areas you are talking about.

Mr. Pitman: Along the lakeshore?

Hon. Mr. Randall: Along east of here, along the lakeshore, Markham, Vaughan and other areas, and looked at it with reference to how much land could we pick up now at the lowest possible price. Up until the time that that release was made, the facts were presented to us by the Ontario Water Resources Commission that there would be no water up there. For instance, let me give you an example. The jail farm on Yonge Street has 600 acres owned by the city of Toronto. I think we offered them \$3.5 million for it and I think one of their new aldermen said they could get \$12 million, so it is still sitting there. Whether they will ever get \$12 million or not, I do not know. If they sit there long enough, I am sure they will but that 600 acres—there were water facilities in Thornhill to handle about 65 acres on the Yonge Street end of it and when that water facility was used up for sewer facility, the rest became dormant. I mean, it could not be sold unless new sewers and water were put through there.

These are many of the areas we have looked at. We tried to get an option on some of that land if there was a possibility of that going forward, insofar as production is concerned. Some of the criticism we have had from the members in the opposition has been because we have bought into Bramalea; that we could get land there, that we could produce houses on tomorrow or yesterday or the day before.

In other words, we were looking at land that we could put into production and build housing. We also made the deal in Chapel Glen Village. We have got Malvern started. There are many of those areas where we felt we could get production going on housing; where we used our own money, as I said this afternoon, to go and buy the land. Insofar as other parcels of land are concerned, at one time we were offered the 6,000 acres assembled by Century City and as you know that was in the revenue properties programme.

I am quite sure if we had gone in and made a deal on Century City we would be sitting here today defending ourselves about another developer who has gone bankrupt. These are some of the things that we have to look at with reference to future buying of land in the area you just mentioned. What land has been optioned, or is

purchased in the areas, I cannot tell you. I do not have a record of that here tonight and I do not think we have one with us.

If we had options, I do not think we would want to disclose that, as you can appreciate because we may be closing any options we have. We would have to close them because now the land has been, as you suggested, either approved for building or approved for farm land or approved for green belt. We can exercise an option if we can use it. If we cannot use it, we do not have to exercise the option but one of the major problems we face—

Mr. Pitman: But surely you are paying much more for that land now than you have—

Hon. Mr. Randall: If we have optioned it, we will not be paying much more, but you have got to option it before you get a security, as you can appreciate.

Mr. Pitman: Yes.

Hon. Mr. Randall: If we have not optioned it, we are going to have to pay the same price as any other developer if the land comes up for sale. This is one of the major difficulties we have faced in the metropolitan area. Where can you buy land even in what you call cow pasture stage at a price that will allow us to put in services and build housing?

Mr. Pitman: But surely it is going to cost you more in the future? Approximately how much land do you have under option right now?

Hon. Mr. Randall: At the present time we have 45 acres in Oshawa that is included in the area. We have the 1,663 in Malvern which you know about. We have got 761 acres in Oakville, and Thistle town—what have we got in Thistle town? Have you got that figure handy?

Mr. Goyette: Only those serviced lots there—about 300 lots.

Hon. Mr. Randall: About 300 lots in Thistle town. At the moment that is what we have closed. There are 50 acres in Niagara Falls. We have picked up land wherever we could get it and closed it prior to the announcement of the Toronto-centred plan.

Mr. Pitman: Fine. What per cent exactly is this of your needs of land in the next 10 years?

Hon. Mr. Randall: I think a very minute percentage the way the city is going to grow. I must be honest with you. I think it is peanuts.

Mr. Pitman: It is peanuts. But that is the point I am trying to make, though. Do you not have a responsibility, as the minister of housing in this government, to gather very large amounts of land, particularly when this government is creating the price of that land? This government is deciding the direction which both housing and industry and development is going to go. Do you not have a responsibility to take some action to gather land beforehand, so that you do have this bank—this land bank—that you can work with once the development starts moving?

Hon. Mr. Randall: Let me just point out, we have 11,000 acres that we own right now in the province of Ontario.

Mr. Pitman: They are peanuts, as you said.

Hon. Mr. Randall: But 11,000 acres is not peanuts. What we have in Metro is peanuts as compared to what is going to be developed. Let me just go back—and I am not trying to be facetious here. You remember when I picked up the 3,000 acres in Waterloo, the first guy who squawked was your federal member, Mr. Saltsman. He went on television and said we were buying it in the wrong area, the wrong place and we paid too much and a lot of other things—

Mr. Pitman: That had to do with the planning of that area. The way it was done.

Hon. Mr. Randall: No, there was no plan at the time. Saltsman just sounded off that we bought land in the wrong place. Since that time there has been a report by Dr. Fyfe, and Dr. Fyfe is one individual who has decided that is an area that should not be developed. On the other hand, we recognized the Toronto-centred plan and what is going to move into that area and perhaps it is not a wrong place.

However, I am not going to argue with Dr. Fyfe tonight. All I am going to say is that I have got 3,000 acres for the housing corporation for the price that they bought it from the Indians, if we want to be basic about it; a low price. If I cannot use that 3,000 acres there, I am in the poker game. I can trade that 3,000 acres for somewhere else in the Kitchener-Waterloo area, but at least I have got, as you are suggesting, the 3,000 acres.

The biggest difficulty in acquiring land has been, first of all, where do you acquire it and for how long? Secondly, as I pointed out this afternoon, the federal government has been very reluctant to advance us money for land accumulation because its funds have been limited.

I am not faulting them. I just simply say they have been in the public housing, senior citizens, student housing. They have other provinces now coming in, asking for similar sums of money and it is obvious they are not going to give us everything we ask for. Our big difficulty in acquiring land is no matter where we acquire it, we find ourselves embroiled in a hell of a fight as to whether we are acquiring cow pasture, how much we pay for it, why we bought it, and I can just suggest to you now—

Mr. Sargent: How can you justify Bramalea, then?

Hon. Mr. Randall: I can just suggest to you now that if the acreage, the 6,000 acres in Century City, is made available to us—I am sure that if we had picked that up tonight—we would have been in a hell of a fight about bailing out another defunct company.

Mr. Pitman: Yes, I can see that, Mr. Minister. When you went into Waterloo—and I am not going to get into the Waterloo question—but at that time, it became involved in what came to be called the Orillia planning hassle that was going on in that area. There was no clear direction of where the urban development should take place. There was no clear direction. But when you, as a minister of the government of Ontario, sit in the cabinet and in interdepartmental committees that decide there should be a certain development in Metropolitan Toronto, along the lakeshore, and decide there should be green belts, that there should be other areas of medium development—once you have made those kind of decisions in cabinet, it would appear clear to me that you should be moving very quickly to ensure that you have the housing land bank in those areas that you know where you are going.

That is very different from Waterloo, where you were dealing with a very fluid situation, and you had to second-guess and play at poker games in which you did not have all the cards and in some cases you were sure of drawing some of the wrong ones. That is a very different game than the one you were playing in relation to a planning development in the Toronto-centred region, where indeed the whole force of the entire government of

Ontario—The Department of Municipal Affairs, The Department of Trade and Development, The Department of Lands and Forests, every department—is agreeing and accepting a plan of development. You are a part of that government, and I think you have the responsibility under those conditions to step in and say, “All right, this province has decided to go in this direction; we will need so much housing there, so we will take this land.” I think it is a negation of your responsibility not to move in on that situation.

Hon. Mr. Randall: May I just point out that the housing corporation, in acquiring land, meets with an advisory committee of members from Treasury Board, Municipal Affairs, Department of Education, Department of Energy and Resources Management, and the Prime Minister’s Department, as well as our own. And when we have gone out and acquired land, we have done it with the knowledge of that the advisory committee, and that advisory committee, using its best judgement, says go ahead and buy the land, and that judgement was used up in Waterloo. It was not just a judgement on the part of the housing corporation.

It was recognized that Dr. Fyfe was getting a report together, but it does not necessarily follow that, because a report is handed down, the government has to follow. The government asks for that report to make some decision but it does not necessarily follow that if you pay a guy to make a report that you are going to follow his instructions and that is the bible.

Mr. Pitman: You intend to follow the Toronto-centred region report?

Hon. Mr. Randall: The Toronto-centred region report now has been published—

Mr. Pitman: It is government policy.

Hon. Mr. Randall: —and undoubtedly it is government policy. I can also point out to you that as far back as two years ago we were talking about picking up a great deal of land in Pickering, because we recognized that housing could not go ahead in Pickering without industrial development. If the member is here, we designated Pickering for so many industries in order to help them get over their housing problem, but the only land we were offered in Pickering was at \$7,000 an acre for cow pasture, and it is obvious that \$7,000 an acre two years ago was too much money. Today, you will probably say foresight is better than hindsight; maybe we

should have taken it at \$7,000 an acre. But that means when you have serviced it, you would be back up in Metro at another \$20,000 an acre for services.

So the mathematics of some of these things just does not work out. If we could go out and buy from the original owner in many cases, we could save the taxpayer a hell of a lot of money. If we could have gone up and said to the town council in Waterloo, or if we had said to Dr. Fyfe for instance, “Here comes the Ontario Housing Corporation; we are going to buy land in here,” and Dr. Fyfe said, “You cannot buy it in here, because I am getting a report and I am going to sterilize that,” you know what happens to the price of land: we would never have got our hands on 3,000 acres.

So there are many problems that we face in trying to pick up land, and particularly in an urban area like Toronto or Kitchener. You have to look at the mathematics and say, how far can a government go on acquiring land? As I say, we have 11,000 acres all over Ontario. I admit some of it is no good. There are 1,500 acres at Atikokan. I wish I had them down here in Metro Toronto, but they were bought long before my time, when they were going to have a town of 6,000 or 7,000 people and it just did not develop. But maybe it will one of these days.

On the other hand, that is part of the 11,000 acres. It is not all the land but, as we say, we have picked up land in any area we can pick it up where mathematically it seems the proper thing to do.

Mr. Pitman: I recognize what the minister is saying, but one shudders to think what is going to happen to housing in this area over the next 10 years on the basis of the minister’s projections that he has just made. What are the mathematics of realism if the mathematics of my idealism are irrational?

Hon. Mr. Randall: Let me tell you what I think is going to happen. We had a chap in the other day and I do not know how much land he has but he has hundreds of acres. He said, “With this new regional plan, I need mortgage money and mortgage money is not available. If I build housing on those lots to the HOME guidelines, can I get mortgage money?” I said, “Come on down here, there are people who would be glad to talk to you.”

It is quite possible, the way the economy is going at the present time, that many of these fellows we have spoken of earlier today may be land poor in the next year or

two. This is where the housing corporation, using its mortgage funds, can acquire a good many lots to build houses on. We do not acquire the lots. We say to the man, "If you build according to the HOME programme, we will get you mortgage money." This is going on.

I think there are people—I know there are people—coming to me every day of the week and phoning me. I say, "You must go down to the housing corporation. I do not buy any land. I do not make any decision. It is made down there by the people who are knowledgeable. I do not know how many we have; I guess we have three or four a week, at least.

Mr. Pitman: What is the pattern in Ontario? I notice, for example that 50 per cent of housing in Scotland is public housing; in the United States, eight per cent, and I saw somewhere that Canada was two per cent. What is Ontario's now?

Hon. Mr. Randall: We are building 11.1 per 1,000 population. We have been. That is our record to date. But I want to go back again and say, when the task force got started—and I hope I am not accused of blaming the federal government again but I think the story of Mr. Hellyer is familiar to everybody. When it got started in 1968, we never dug a hole, we never got an approval until the end of April, 1969. Then there was a holdup in Metro while they found out whether or not people wanted to live in high-rise buildings, so there were very few contracts approved in Metro.

We will no doubt be talking about the number of units we produced and this is one of the reasons. We lost almost a year's production in Metro because, first of all, of the task force holdup and second, when Mr. Andras came to power, he said, "I am not going to approve any Metro contracts until I find out what is the best way to build public housing. People must have a front and a back door."

I said, if they are going to have a back door at the corner of King and Yonge they are going to have a hell of a long drop. I am not trying to be facetious. I am just saying you are not going to build in an urban area and house people unless you go to high-rises.

Mr. Deans: You have missed your calling.

Mr. Pitman: Yes. Incidentally, you speak of the Hellyer task force, and so on. Where do we stand on urban renewal now? Are we back on the tracks?

Hon. Mr. Randall: Urban renewal is not in my department. It is in The Department of Municipal Affairs. I think that urban renewal outside of one area in Toronto—it seems to me it is the Trefann Court area—has been given the go-ahead.

Mr. Pitman: Should your department not be involved in urban renewal? It seems to me that this is one of the hangups, one of the distortions, that housing should be somehow apart from urban renewal, because housing should be tied in with urban renewal.

Hon. Mr. Randall: I do not disagree with you. We have suggested we would not object to handling it but up to the present time, remember, whatever urban renewal means, the municipality, the province and the federal government buy X number of acres in downtown. When they flatten it out, they say go and build the housing which we did over in Don Mount. We can move in and we can can build housing as fast as they can flatten the area.

I do not think that we have to get involved in that except, if we were going to get involved we would take a look at it, maybe, on a different basis. Because we know in the Don Mount area—I think I am talking about the right area; off Parliament Street; behind Parliament Street and Queen—in that area they knocked down housing and took out 1,200 people and put back 900. I do not think you solve the housing problem that way. You may clean up a neighbourhood.

On the other hand, if you do not knock down the stores on the east side of Parliament Street and the north side of Queen Street, I do not think you have rehabilitated the area. My feeling on urban renewal is you must get into the commercial aspects, because if the commercial aspects were not knocked down there could be living accommodation over those stores and you could put a lot more people into the area. Those are my thoughts on urban renewal.

I do not disagree with you that urban renewal could be very well put into the housing corporation programme but as of the moment, it has not been.

Mr. Pitman: I think you might very well begin working on it. It seems to me that you are not going to create a viable core in the city unless there is that balance of housing and commercial development and green space and so on which makes the core of the city livable.

I would like to turn to another subject—

the rent supplement as indicative of noise and hornblowing; at one point it appeared that this might be one of the solutions to the housing problem. What has happened in the last six to eight months, probably, is that rents have gone up, and probably have gone up more as a result of policies of this government. For example, in spite of the fact that one cannot scold the government for having done something about security deposits, the funny thing that happened was that landlords decided they would get their money in advance by putting the rents up.

Of course, the fact that the Attorney General's office has been totally unable to get the various municipalities to put in any kind of a rent review board, really meant there has not been any control over them at all. The rents have gone up disastrously, and this is the reason you have so much pressure on Ontario Housing Corporation in some parts of Ontario.

I can say—if I might use my own area—when I came to this Legislature, there were 27 units in Peterborough but I think there is something like 300 to 400 now. Yet the line-up is still massive. One of the main reasons is not because the total amount of housing accommodation has gone down, and it sure is not because the number of people has gone up sharply, but simply because the rent structure has deteriorated to such an extent that people who have accommodation find that they cannot continue to live in that accommodation and pay their bills. A lot of this results from the facts I have just mentioned.

The first thing I would like to ask is, have you found any pattern which will allow you to consider rent supplements, or mortgage supplements, as a means of providing more housing for lower-income people? Have you found any way of holding the lid down? You are not supplementing the landlord rather than helping the tenant. Where are you in this area?

Hon. Mr. Randall: Are you suggesting—I am just trying to clarify in my own mind—that the people who are living with a private landlord should be subsidized by the province? Is this what you are suggesting?

Mr. Pitman: What I am saying is that there has been this suggestion that, if you cannot raise the number of units of accommodations as well as build new units, one of the ways is to find some method by which people with lower incomes can live in the units in which they already live but cannot

afford to continue to live, simply because they cannot pay the rents.

Hon. Mr. Randall: That goes back to our rent supplement plan, when the former minister, Bob Macaulay, was here. As you know, we had 250 houses in the city of Toronto on which we guaranteed the rent and people moved in. Once the lease ran out, the landlords raised the rent, and finally the Ontario Housing Corporation was paying the rent with no limit to it.

Mr. Pitman: That is the point I want to find out.

Hon. Mr. Randall: We have not gone back into that programme because we feel the only way we can control the cost of the subsidy and give people the kind of housing they want is to build the housing ourselves, which we are doing as rapidly as we can.

Let me just comment on this rent supplement, this programme, for a minute. Sure, there are some landlords who are not playing ball with the tenant, but these are not the majority of landlords. There is a minority in any class, whether it be doctors, lawyers, dentists, school teachers, politicians, washing machine salesmen, who give the industry a bad reputation.

Mr. R. Gisborn (Hamilton East): You are in two categories.

Hon. Mr. Randall: I am out twice. What we have to look at is, for every one per cent increase in the interest rate, the landlord has to raise the price per suite \$12 per month. That is what is happening. Now, look at the interest rates, look at the bank rate. It went from 6.5 per cent to 11 per cent, if you can get it.

The big difficulty is that most of these apartment houses you are looking at have been sold; the original fellows who built it have sold it to somebody else. The fellow who bought it went out and bought money at a higher price perhaps than the guy who had it. We have a lot of people—some are friends of mine—say, "This place was built 10 years ago. Why should they raise the rent?" But your help is getting more money. The man's taxes have gone up.

Mr. Pitman: I realize that.

Hon. Mr. Randall: The man's taxes have gone up but, on the other hand, the new owners who have come in have had to borrow money at today's rates, so I do not think we can fault the landlord entirely.

Mr. Pitman: I am not saying that.

Hon. Mr. Randall: No, I know you are not, but I recognize that there are some difficulties in trying to maintain rents. But the fault is not entirely of the guy who owns the building or who owns the house, because his costs have gone up.

Mr. Deans: It is the system's fault.

Hon. Mr. Randall: It may be, but I have been in areas where they have other systems, and I can assure you that you would not settle for it. Our people are better off on welfare than they are in some systems, believe me.

Mr. Pitman: Okay. I suggest that the minister might just continue to take a look at longer leases, or find other rent control or rent accommodations which will at least make it possible to use the existing accommodation before you continue to buy it.

One thing that always bothers me is that we are always behind. We never catch up. I think you have a crew that moved into Peterborough just a couple of days ago; I heard it on the radio as I drove out of town. You have had so many people suffering before you begin your next survey, and then you go through the long process of accumulating land. Months and months go by until actually there are buildings there and, in the meantime, while the people wait, they suffer. I think this is an unacceptable degree of suffering which goes on.

Mr. Chairman, I wonder if I might just ask one or two questions on student housing. Would this be permissible?

Mr. Chairman: No. Student housing is the next two votes.

Mr. Pitman: Next two votes? I did not know whether you were covering that at the same time.

One more question on housing. What is this department doing about the whole business of developing systems of building houses? I realize that the National Research Council and various other bodies are doing a great job in this area, but we talked in the last two hours about a number of reasons why the cost of housing goes up and up and up. The main reason, as I say, I think the minister has the responsibility to gather a land bank. Certainly the minister himself has mentioned the cost of money. Certainly one of these reasons and

perhaps one of the lesser reasons, is the cost of construction, and I wonder what the minister has done.

Hon. Mr. Randall: Let me say this. I think I mentioned yesterday that we were building homes, I think we mentioned a figure of \$12,500, \$12,900 that should have been \$13,000, up to \$15,500 including land. I do not believe that construction costs are the reasons for high-cost housing today.

Mr. Piman: I am glad to hear you say that.

Hon. Mr. Randall: You show me a good builder who can buy doorknobs and bathtubs and doorframes and build with them as General Motors assembles a Buick car and I will show you a guy, if he has mortgage money, who can build a house more efficiently than any systems builder in Europe.

The systems builder in Europe, first of all, must start with a very heavy overhead and a plant costing a million or two dollars and he has to take the product to the site and erect it. He may be able to build faster in high-rise buildings and perhaps even in condominiums, such as we are going to build in Chapel Glen if he can get a long run.

The big trouble with systems building is they must have a long run or it is uneconomical. I think you recognize that systems first of all started in Europe where they could build apartment houses and high-rises in great scale. The British government gave them an order for 5,000 or 10,000 units for a new town and they could go ahead with these big developments on a mass basis.

I have found here that the small builder, if given mortgage money and 50 lots, he can dig 50 holes for 50 basements and build 50 houses faster than any systems building I know of and keep the cost down so that people can afford it. We have proved under the HOME programme that that can be done.

You ask me what are we going to do about systems. The first thing we are going to do—Chapel Glen will be the first systems building village in Canada, to my knowledge. There are five major developers using a systems building technique. When we are finished with that, I can tell you then whether it will be faster and cheaper for a project like that. I think in the long run, they will put up buildings like that much faster than maybe an independent builder.

On the other hand, if you give me 50 small builders in there and let them have 50 units, or 100 units, I think they can do just

as good a job. But if the weather is against them, they may not be able to perform.

However, this is where we are trying out systems building and I might point out, some of these people have put as much a \$2 million into a shop. Now the overhead is there and their big problem is, if you go along and give an order for half a dozen houses, they would starve to death. They cannot make a quarter. They cannot make a dozen of this sort and make any money. I think you recognize this. There is no difference in building a few washing machines, or a few refrigerators, you have to have a long run.

I think when Chapel Glen is built I can answer your question a little more intelligently. But we are going to try it out.

Mr. Chairman: Can we break off on that point? Will you be here tomorrow, Mr. Pitman?

Mr. Pitman: No, I have to go to a conference.

Mr. Chairman: Then the first speakers tomorrow will be the member for Hamilton East (Mr. Gisborn), the member for Kingston and the Islands (Mr. Apps), and the member for Wentworth (Mr. Deans). We will adjourn until 3.15 tomorrow.

Hon. Mr. Randall: If you cannot come will you send your money?

The committee adjourned at 10.30 o'clock, p.m.

S-11



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Wednesday, May 27, 1970

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

WEDNESDAY, MAY 27, 1970

The committee met at 3:20 o'clock, p.m., in committee room one; Mr. D. A. Evans in the Chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (continued)

On votes 2209 and 2210:

Mr. Chairman: We will call the meeting to order. Votes 2209 and 2210. The hon. member for Kingston and the Islands.

Mr. S. Apps (Kingston and the Islands): Thank you, Mr. Chairman; I thought I was going to be second but I will start off.

First of all, we have heard a great deal about housing and the Ontario Housing Corporation, and I would like to say that among the things that make Ontario Housing Corporation work are the various housing authorities of the municipalities around the country. I have not heard anyone here in the last couple of days say anything about that; I would like to put on the record a word of commendation for those dedicated people who work so hard under very difficult conditions administering the various elderly citizens and low-rental units in their various municipalities.

I would like particularly to point out to the committee the work of Mrs. Marion Earle in Kingston, who retired from the authority about a year ago, after serving as chairman of the Kingston housing authority for about nine years and who to my mind, and also the minds of the people of Kingston and the Islands, did an outstanding job in administering the Kingston housing authority. I would like to have her name recorded in the minutes of *Hansard* to show that we appreciate her work and through her the work of many other members of various housing authorities throughout the province. If we did not have those people, you would have a lot of difficulty in making the Ontario Housing Corporation as successful as it has been.

Now second, I would like to discuss the elderly citizens projects, particularly under

2209S where you have allocated \$1 million. I take it this is the per unit grant that you make to other organizations which wish to build homes for elderly citizens. We in Kingston have three of these buildings. They were built by the Kinsmen's Club, and I think they compare very favourably with the building put up by the Ontario Housing Corporation. I just want to confirm here that this grant is still \$500 per unit, is that correct?

Hon. S. Randall (Minister of Trade and Development): As far as I know, yes.

Mr. Apps: When was that grant originally started, how long ago?

Hon. Mr. Randall: Ten years, anyway.

Mr. Apps: About ten years ago. Well do you not think, Mr. Chairman, through you to the minister, that it is time this grant might be increased to provide additional incentives to these organizations, to give them more help to provide more of these units?

Hon. Mr. Randall: Perhaps the hon. member is right. I think in those days the Ontario Housing Corporation was not in existence and there was very little being done at the government level to provide senior citizens housing, so it was left to some of these service organizations to do that job. But since the housing corporation assumed the responsibility of building for senior citizens outside of Metro, as you recognize there have been many hundreds of units put up.

Mr. Apps: Yes, I realize that, Mr. Minister, but just the same you do not want to discourage the initiative of people within a community to do something on behalf of elderly citizens. Although the Ontario Housing Corporation is doing a tremendous amount along this line, still I think there are many organizations in many municipalities which would like to continue doing what they have been doing.

As a matter of fact, as I mentioned earlier, the Kinsmen's Club in Kingston has built three of these, all of which are fully occupied.

Everybody is happy with them, and they have been of tremendous help. I feel there are church organizations, there are many other organizations in many municipalities, that would be delighted to have the opportunity or would want to take the opportunity of providing elderly citizens with accommodation over and above what can be done by the Ontario Housing Corporation.

I would suggest that the OHC take a look at that and see if they cannot raise that per unit grant, say from \$500 to \$1,000; taking into consideration the increase in cost that has taken place over the last ten years which I think would warrant such an increase. In that regard, I think \$1,000 may not be quite as much as is required, because I do feel we should try and help those people who are trying to do something on their own; and this is one way in which it can be done.

Hon. Mr. Randall: Well, Mr. Apps, let me say I think the suggestion is a good one. We can take a look at it. There are some in the mill right now. We have not turned any down and we have not too many complaints about the \$500 unit grant. However, as you say, perhaps it should be reviewed in the light of today's conditions, and we are prepared to take a look at it.

Mr. Apps: One of the things that always impresses me is that I do not think the government can duplicate the desire of people in a municipality who want to do something, you might say, for their fellow man. I do not think you can duplicate that service. If we can do anything to help and encourage these people to carry on this type of work, I think it would be a good idea. Not only would it solve some of your problems, but it would certainly solve many of the problems of some of the elderly citizens who are not able to find accommodation at the present time.

I would ask that you take that into consideration and see what you can do to increase those particular grants to those people who want to go ahead and build some of these things on their own.

Hon. Mr. Randall: Take a note of that please, Peter!

Mr. Apps: Second, one of the problems in the city of Kingston as far as low rental units and building under the HOME plan are concerned is the fact that there is very little serviced land in the city in order to do this. I would also like to make a suggestion about the Mowat division near the Kingston

Psychiatric Hospital, which is now completely closed down for all practical purposes.

I guess there are 10 acres at least of land there that is now lying idle. I am not quite sure of the acreage, this is right in the western part of the city, right beside the St. Lawrence College of Applied Arts and Technology. I am not sure what The Department of Health has in mind for that particular area. I would like to suggest to you that you discuss with The Department of Health whether that land could not be made available to your department.

You could put HOME lots on it, or the condominium housing that you are starting. It is an ideal location. The services run right by the door, and I think it would be a tremendous area to make lots available for HOME building—whether it is single family units or whether it is condominium units—to make houses available for, you might say, the lower middle income group who cannot pay the price of the lots. These are there; it would not cost you anything, you could get it transferred over to you for \$1. You would have the land and you could make those lots available at a very reasonable cost. Something on the lines that you did with the dominion provincial land assembly in Calvin park. Four years ago those lots were sold for around \$2,000. There was no conflict with the private builders over the prices the people paid for those lots in Calvin park and the private builders who had to pay more outside.

The way they did that was, of course, they lined up and it was first come, first served. The builders benefited by that because they were able to build the houses. There was only one lot to one person, so no builder could go in and grab seven or eight, 10, 20 or 30 lots.

I would think that this particular area, Mr. Minister, is an ideal location for you to go in and get that land to build single family units or condominiums for the lower middle income group.

Hon. Mr. Randall: What do you call that location again?

Mr. Apps: This is the Mowat division of the Kingston Psychiatric Hospital. It is at the north-east corner of King and Portsmouth. All those buildings have been condemned; you cannot use them; they are just sitting there. I do not think The Department of Health has any real plans for that particular area, and I cannot think of anything better, as far as we are concerned, than to make

that land available for homes in the city of Kingston.

Hon. Mr. Randall: All right, we will look at it.

Mr. Apps: All right. Now, third, I would like to get a little information about the system of proposals that the OHC has in awarding contracts to various builders to build these low rental units and elderly citizens units throughout the country. I am concerned about the fact it takes so long from the time the proposal is accepted until the actual time comes when the ground is broken and the building is started.

I know this is the result of many factors, some of which you have no control over, like changes in official plans, changes in bylaws and so on in the city. But the first question I would like to ask is are proposals examined as to whether the land on which these buildings are going to be built, and the proposals, conform to the official plan of the city?

In other words, you get a proposal and you say "This looks like a good one"; and you say you are going to build this. Do you check to find out whether the land on which the builder is going to build these units conforms to the official plan or bylaws of the municipality?

Hon. Mr. Randall: I will ask Mr. Goyette to answer that question for you.

Mr. P. R. Goyette (Ontario Housing Corporation): When we receive the proposals we do check the land. It is quite possible that the land on which the project will be built may not at that time conform particularly with the zoning in the municipality or the official plan. This, Mr. Chairman, applies particularly to senior citizens, where proponents look forward to having a higher density and possibly less than 100 per cent parking.

It has been our procedure, in having private enterprise come forward with their projects for the individual developer to be responsible for obtaining the appropriate zoning change.

Having said that, we have not really found it entirely satisfactory. As I mentioned, I think a couple of days ago, we are doing what we can now to step up the possibility of acquiring the land ourselves. We hope it would be properly zoned, or would be zoned before a proposal call would go out to avoid the issues that usually take place in a municipality, to have some assurance that it would receive the support of the local council.

In summary then, the proposals that do come in may not all conform to the local zoning.

Mr. Apps: I think this would be very advantageous because you might get a couple of proposals, one of which is all clear and straightforward, the other which has to have some kind of change in the zoning made. You know what that entails. That can hold up a project for a year, easily. Before you get the change approved and the notices go out, and so on, and so on, by the time OMB gets through with it, it may be a year before that fellow can go ahead and work; and I do not think that is quite fair.

I would suggest this too. In those areas where you have to have OMB approval of zone change, is there any way in which you can get priority? In other words, the OMB have lists maybe two, three months long, and so you come in with another one, and on this they make a very special effort. It will take two, three or four months before you can even get that heard.

Now if you could work out some arrangement with the OMB, particularly on senior citizen, low-rental units, where you can get priority and get these processed right away so that you can get the thing cleared out and go ahead, I think that would be a tremendous help to you.

Mr. Goyette: I would say that it has not been our experience that the Ontario Housing Corporation has had any priority over private developers in having their turn at any OMB hearing.

Mr. Apps: Then maybe priority is the wrong word. Maybe the OMB should hire another man who specializes in low-rental and elderly citizens units, so that he is there ready for you. I know that they are hard pressed to look after the work that they have to do and it could be unfair to other people if you were to get priority. But I think it is important, because sometimes by the time these units are built, it is often two and a half years after the original proposal has been accepted, and by that time you need another one. So it is just a continual circle.

Anything that you could do to facilitate the hearings, or to make sure that the land is clear when you accept the proposal, I think would help you get these buildings built a lot faster than they are being built today.

Mind you, once they are built they are great. There is no problem there. The only thing that concerns me is the length of time

it takes from the time the proposal is accepted until the actual turnip of the sod begins.

Hon. Mr. Randall: I think—just adding to that, Mr. Apps—one of the things we have found is, of course, with the Ontario Housing Corporation we get no special privileges with the municipality or any other government department or semi-government department such as OMB. We have to get in line the same as anybody else. In fact, I think they scrutinize us a little harder than they do anybody else, as you recognize.

In some instances, particularly where we have said the brief is holding up big developments, they have put it ahead and have had a look at it, and it has either been turned down, or those who put in the protest won it, and that is the end of it; we get about doing something else, like looking for a new site.

But, as Mr. Goyette said, they give us no special privileges at OMB or the municipal councils.

Mr. Apps: You can imagine that the problem that you have when you start to rezone land, particularly for low-rental units. For elderly citizens it is not quite so hard, but for low-rental units, people take the attitude, "Fine, we want them as long as you do not build them here." I guess that is sort of a natural reaction, whether it is right or not, maybe I am not qualified to say. But almost invariably when you have to rezone land for low-rentals, you run into problems and it takes a long time to get things sorted out. I think you would be well advised to try and work out some kind of an arrangement where you did not run into these delays.

Hon. Mr. Randall: I can assure you that if we could move as quickly as we should, we would do so. I often wonder how we get them through. I think all these fellows here should have long grey beards with some of the problems we have with the municipalities in getting public housing or senior citizens approval to go ahead.

Mr. Apps: As I say—I want to point out that I am not criticizing you in this regard, because I realize some of these things are really beyond your control—I think if you could somehow work some better liaison with the OMB to get these hearings heard quicker, that would be one way.

Another way would be to try and make sure that when the proposals come in the land that they are going to use is already cleared for that type of building that you

would want to have put up there. That would be another great step forward.

Now, third, are you convinced that the proposal type of bidding that you are doing is the best? In other words, are you convinced its proposals are better than if you were to work out, say, the plans and send them out to public tender, as they do when a normal building is being built?

Mr. Goyette: At the present time the evidence seems to be overwhelmingly in favour of the proposal call, particularly as we must relate to the volume we have to do. If we had only two or three projects in the province, then I think the typical tender call of having the plans prepared ahead of time and put out to tender on which calls would be made might have some advantages, but we have found that would probably necessitate a very large staff and we just would not have the staff, nor would our staff be able to prepare these things even if we had outside consultants. These would have to be checked.

Another thing that concerned us was the procedure which had been taking place under the federal-provincial arrangement in which there had developed something of a stereotyped kind of plan. I think you know in your own community there was a plan being established, and virtually all the public housing in the province of Ontario was starting to look very much the same, it had an institutionalized look about it.

There was the view that if we invited proposals from builders who themselves were building within their own concept and their own plans and what was generally accepted in that community, having the materials that were accepted in that community, that there might be an advantage.

It allows, furthermore, a little more—I do not want to use the word co-operation—but a little more of a management-team approach between the architect and the other technical people and the developer. It has been our experience that up to now, probably, the plans that went out for tender may have been influenced somewhat more by the architect, and may not necessarily have been in conformity with the manner in which the builders in that community were best trained or capable of building. Therefore we have found that when we went to the builder's proposal, our costs went down by several thousand dollars per unit.

The other advantages—and I am enumerating them on the plus side; I realize there are some on both sides—it has allowed all kinds of developers to come forward with the

materials they may have had some advantages in purchasing. It may well be that they would have a certain joist size and are used to handling a certain window frame size, and they may have had a volume, and this might have been an advantage over that which might have been designed.

I think the last point I was going to come to was the question of time. I think that we then can invite, in the early stages, sketch plans only, at which point you then decide on the proponent you are going to go ahead with on the basis of what the developer offers, on the basis of price and on the basis of location, and the time it has taken from that proposal call to the time building starts is indeed much shorter than it has been our experience in the past.

The very fact that the proponent was the fellow that had to get the building permit, the very fact that he had to get the zoning done, and all these kind of things, was probably faster than we had found before.

We have one project now in Metropolitan Toronto, not completed yet, which was started under this approach before the Ontario Housing Corporation went into the building proposal technique, so really there are advantages on both sides. It might well be there is a little more control of what we want in the actual design when you put it out to tender, but on the balance it has been a very successful thing for us and that is the way our reasoning is going.

I think the thing we have had to do, sir, to improve it, has been to probably be more specific in the proposal call document on those kind of things which we have wanted. In other words, in the early projects it was pretty much to the building proposal which the developer offered to us and it was pretty well on price alone.

We have now found, after living with some of these projects, that they need some of the amenities that may not have been in the first projects; so we are adding many things to it and we think it is better.

Mr. Apps: I am glad to hear you feel the proposal way of doing it is the best. I doubted that personally because, and I go back to Kingston again in the elderly citizens units, the Kinsmen's Club put up a building in eight months. It took two and a half years to get a similar building through the Ontario Housing Corporation. Now there may have been extenuating circumstances as far as the land is concerned that held these things up, or mortgages, but I will take your word that

proposals are the best way of doing it. I still think it takes too long.

Now as far as the buildings themselves are concerned—and this may have been changed—but when they built the students' residence in Kingston they provided recreational facilities for them there. In other words, children's playrooms and so on. In the low rental units in many cases you do not have these. I think that some consideration should be given in the planning to provide some kind of recreational facilities within the buildings of the low rental units, because in many cases they have a lot of children. I think it is important that this be done.

Now how often do you have your board of directors' meetings to decide on your proposals?

Mr. Goyette: The board of directors of the Ontario Housing Corporation meets once a month as a full board and some designated members meet the day before as a committee of the board, and for the sake of proposals it is known as the development committee of the board.

Mr. Apps: Do you find this adequate?

Mr. Goyette: It has been generally adequate. I might add that where there is a pressing need in a community, the board has been very good about having extra meetings. The directors of the Ontario Housing Corporation are essentially the same directors as the Ontario Student Housing Corporation, and that meets once a month, at a two-week interval as far as the board session is concerned, and so if there are some proposals that are somewhat urgent, the board has met after the Ontario Student Housing Corporation and reviewed the recommendations made to them.

Mr. Apps: Fine. All right now, getting back to the municipal housing authorities, has there been any change in their status over the past few years?

Hon. Mr. Randall: The housing authorities?

Mr. Apps: The municipal housing authorities. Like the Kingston housing authority or those authorities that administer the OHA projects.

Hon. Mr. Randall: There has been no change. We have not appointed any boards since 1965, and as I announced the other day—there was a press release—we are appointing housing area authorities in order to take—for instance, the Kingston housing authority now

will take in towns in that area so that we will have an area board with a paid manager who will be able to do a lot more work, we believe, in the towns around Kingston if that is going to be an area headquarters. Those boards will then merge with some of the other boards that may be available. Say we had a board in Gananoque and a board in Napanee, those three boards—including the Kingston board—would be possibly merged.

We have set up an area board system now. We expect five or six of them will be operating in the province before the end of the year. The first one is up in the Thunder Bay area, as I said the other day, where because the two towns amalgamated and we had two boards there it was necessary to make one board out of the two. They are going to serve that area up there and have a paid travelling representative to look after all projects in the area, whereas today most of them are trying to do it on a part-time basis.

Mr. Apps: Well I might say they are doing pretty well for the most part.

Hon. Mr. Randall: I might say they are all in agreement. When we had them together here in a meeting two weeks ago the chairman of the housing authorities group himself endorsed it. In fact it is one of the recommendations they say that the housing corporation should take a good look at it. We have had a good look at the study and we feel that it meets the recommendations of the housing authority chairman himself and those of his members. I was at the meeting myself. I can assure you they endorsed the programme.

Mr. Apps: All right then. What has been your experience as far as the overall cost to the province is concerned? In other words, any deficit you divide. You put half and half with the federal government and 7.5 per cent by the municipality.

Hon. Mr. Randall: Is that the way?

Mr. Apps: How much does it cost you?

Hon. Mr. Randall: That is right. We are 50 per cent, 42.5 per cent and 7.5 per cent.

Mr. Apps: Well how much does that cost you, say over 1969? How much have you had to endorse?

Mr. Goyette: It cost \$6 million.

Hon. Mr. Randall: No, no. We are just talking about the housing authorities, just the housing authorities. You are talking about the housing authority only?

Mr. Apps: Yes, the various housing authorities, how much is it?

Hon. Mr. Randall: The 41 housing authorities.

Mr. Apps: Yes, how much does it cost you for your share of the loss?

Hon. Mr. Randall: I do not have that figure here. We can probably get it for you.

Mr. Apps: All right then. In the money that is made available for mortgages, like through CMHC, how much are they getting back each year now? Have you any idea on that? In other words, they are going to make available \$1.5 billion, for mortgages for CMHC, say in 1970. How much money are they getting back in rent? Are they getting back more than they are making available or less, or have you any idea?

Hon. Mr. Randall: Well I do not think we really know. It depends, I suppose, on the activity in the housing area, as to what has gone on the year before, what they cancelled. You are talking about what mortgages are paid out, what payments are made on mortgages already out.

Mr. Apps: No. What I am trying to find out is: These tenants are paying rents and that rent is calculated, with maybe minor exceptions, to carry the building. So CMHC is getting back from all these things that have been built over the last four or five years, they are getting back rents. Now what I am trying to find out: Are they making available each year more money than they are getting back in rents from the ones that already have been built?

Hon. Mr. Randall: I do not know how we can answer that. All I can say is that this year they established \$118 million as the amount of money available for public housing, I think, and senior citizens.

Mr. Goyette: \$118 million!

Hon. Mr. Randall: \$118 million for Ontario. Now if somebody aside from Ontario Housing Corporation, say some metropolitan corporation, decided to build, it would have to come out of that \$118 million, which is a point I made some time ago in the House. We are not sure whether we have \$118 million now because somebody else can put their hands in the till. Now what you are asking is what are they getting back in returns on their investment—

Mr. Apps: Their previous investment.

Hon. Mr. Randall: Is it more than \$118 million? I could not tell you. We do not have CMHC figures.

Mr. Apps: Well, do you have the total rents that you are getting from low-rental units?

Hon. Mr. Randall: We know what our subsidies are.

Mr. Apps: Well no, you are just paying a percentage of the subsidies.

Hon. Mr. Randall: It is 42.5 per cent!

Mr. Apps: You do not know the amount of money that is coming in in rent?

Mr. Goyette: Maybe just to help you. On the amount of money, it is difficult for us to speak about Central Mortgage, but the amount of money which they are receiving in rent does not equal the amount of money that it costs to run the project, so they are in a deficit position to start with, and that difference is known as the subsidy. We, as partners with the federal government, contribute to the subsidy and that is why we did not have that figure for you. We know the subsidy for the old federal-provincial projects in which the housing authorities are involved, plus our OHC subsidies, are in the order of about \$6 million a year. But the federal government's subsidy would be something more. The amount of their subsidy to be deducted from the revenue of which you speak would likely be something in the order of \$13 million to \$14 million. They are making available to us, as the minister said, \$118 million for new construction, as capital on new projects.

Mr. Apps: Yes, but what I am trying to get at is how much new money are they pumping in every year?

Hon. Mr. Randall: As I said, \$118 million is what they set as a figure this year. If we can use \$118 million that is our quota.

Mr. Apps: And they might be getting back \$140 million in rents.

Hon. Mr. Randall: Well, I doubt whether they will get back that much, but nonetheless that is supposition. I would not have those figures.

Mr. Apps: Is there any way we could determine this?

Mr. Goyette: Sir, they just do not get any money back. There are rents that are collected, but before that money can go to Ottawa there are expenses, and so the net of it is a deficit position. That is why it is called subsidized housing. The rent money they get is an operating expense and does not go against their capital account.

They do not receive more rent than they have expenses, if I can use that term. In other words, they get a deficit bill at the end of the year, the same way we do now that we are dealing with folks on rent-gear-to-income.

Mr. Apps: No. I am not quite clear really and maybe I am going in the wrong direction on this.

Hon. Mr. Randall: Let us take it this way. If we put \$118 million into subsidizing public housing and the money is returned, the money returned is not sufficient to carry \$118 million of public housing. There is a shortfall in our return.

Mr. Apps: What is your contribution?

Hon. Mr. Randall: Our shortfall, for us, is \$6 million. The federal authorities would be more than happy if they could match that, because they pay 50 per cent of the subsidy. Do you follow me?

Mr. Apps: Yes.

Hon. Mr. Randall: Does that answer your question?

Mr. Apps: In other words it costs the Ontario government \$6 million?

Hon. Mr. Randall: Yes.

Mr. Apps: For the low-rental units in the province.

Hon. Mr. Randall: Well it is going up every year. In fact we estimate that when the adjustment is made on the new rent scale, we are talking about another \$800,000 minimum this year to adjust to the 25 per cent as against that rent scale going up to 30 per cent, despite the fact there were not many people at 30 per cent. Nonetheless the rent scale will mean that the province's share, it is 42.5 per cent, will be increased by about another \$800,000 if I am correct on that.

Mr. Apps: Well as I say, what I was trying to correlate was the amount of money expended to the amount of money they get back in.

Hon. Mr. Randall: Well it is really not like a mortgage company that puts it out at a profit and gets back their interest and a profit on a mortgage on your house. It is social capital that goes into providing housing for people who cannot pay the economic rent. If they cannot pay the economic rent, it simply means that they are being subsidized for the amount of their shortfall, plus ours, plus that of the municipality which is 7.5 per cent.

Mr. Apps: Fair enough. Thank you, Mr. Chairman. I appreciate the opportunity of raising a few questions. I would again appreciate it if you would particularly look into the possibility of an increase in the per unit grant to organizations other than Ontario Housing Corporation to build accommodations, particularly senior citizens; and also to the Mowatt subdivision in Kingston, which I feel would be an ideal situation to assess just what you could do in the Kingston area in your home lots.

Hon. Mr. Randall: All right, Mr. Apps, we certainly will.

Mr. Chairman: The hon. member for Wentworth.

Mr. I. Deans (Wentworth): Thank you, Mr. Chairman.

I want, first of all, to pause for a moment and reflect on what the member for Kingston and the Islands was talking about. Now when you talk about this subsidy of course, surely you have got to take into consideration, assuming that we did no more building, that in a certain period of time the obligations in regard to mortgages would eventually be paid off and that the subsidy would then be recovered from the rent derived at that point.

Hon. Mr. Randall: After the mortgage is completed?

Mr. Deans: Yes. So the subsidy is, you know, in the terms of the future of the province, a short term item.

Hon. Mr. Randall: I think maybe we pointed out here today—how long does a house last—if the mortgage is to run for 50 years?

Mr. Deans: It depends who builds them.

Hon. Mr. Randall: Yes I know, but at the end of 50 years there is not much left, by the time the moss and the worms get at the bricks and mortar there is not much left. You probably will have to tear it down and start over

again, which means you may be into another housing programme.

Mr. Deans: Well you may, this is true.

The other point, too, is that of course you are going to derive a certain amount of money back from the sale of some of these homes, and assuming that you sell them, as you indicated you were, at the market value, and assuming that they were not built within the last five years, there will be a considerable amount of money realized in terms of out-and-out profit.

Hon. Mr. Randall: I would not call it profit, what I would call it is recovery of subsidies the taxpayers have already paid, which should go back into housing.

Mr. Deans: The unfortunate part, I think, is that in most instances the subsidy will be recovered, but it will not be recovered from the people who got it. But that is neither here nor there.

Hon. Mr. Randall: Yes.

Mr. Deans: I want to talk about something entirely different anyway, but I just wanted to make sure that I was right in my understanding of that.

I want to ask you first of all what efforts have been made by the Ontario Housing Corporation in the city of Hamilton to acquire what I recall is called the Martinique Apartments. I may be wrong, that may not be the name, but I seem to think it is.

It is a shell sitting on Main Street West between Caroline and Hess. It has been sitting there for five, six, seven years—who knows the number of years—and it appears it is not likely ever to be completed. Now we have in that period of time developed a number of senior citizen apartments in the area and it would appear to me that if the legal entanglements were not sufficiently severe to inhibit us we should have gone after that particular building, if only from the point of view of trying to beautify the core of the city and provide senior citizens with accommodation that is readily available to the downtown area for shopping and so forth.

Hon. Mr. Randall: I will ask Mr. Goyette to speak to you on that.

Mr. Goyette: Mr. Chairman, first of all, the building we may be talking about is not the Martinique.

Mr. Deans: What is it?

Mr. Goyette: The Martinique is the very large one behind city hall which did get into difficulties some years ago, and that is now finished and very successful.

Hon. Mr. Randall: That is the one we took over, is it not?

Mr. Goyette: Right. We did take that one over. I think the one you are speaking about is at the corner of Main and is it, Hess? That is about a 10, 11, or 12-storey building that is still there; as you say, it is kind of a derelict building. The involvement of the Ontario Housing Corporation has been to the extent of looking at the building, inspecting the building—at the request unofficially of the city—to see if there was something we could do about it to help Main Street along in the very manner you have suggested.

There are, as I understand it, two problems. One is that the very physical nature of the building is somewhat doubtful. It is not whether, in the physical sense, it will stand up or not; nobody is very sure, and there are no real engineering reports to substantiate that. As a matter of fact, the reports give indications the other way.

Mr. Deans: It was a poured concrete building.

Mr. Goyette: Right. And the bearing, particularly of the floors and the centre walls, you know, just is not there. There was some arithmetic done as to what the cost—one proponent, rather, came in, and I do not know if he was representing the owners or whether it was his intention to deal with the owners, but he came in with the possibility of tearing it down and having a much higher density on that existing land and asked us if there was some way we could help out.

We indicated our interest, but I gather the problem is that the present owners are not too anxious to dispose of it at the price that would make it economically feasible. And it has been pretty well left in abeyance that way. If something useful came forward, I think we would be very anxious to help out, as it turned out to be a very successful thing on the Martinique Apartments.

Mr. Deans: Fine.

Hon. Mr. Randall: I think you will recall the Martinique was a dead duck for many years, and we got in with city council and got that thing cleaned up, because we felt we could utilize it.

Mr. Deans: I could not recall; the name Martinique stuck in my mind. I just could not recall the actual name of this one; it is next to the Almonte Hotel, but that is of no consequence.

Now I want to talk about something entirely different that has struck me as needing to be asked. I asked the minister in the House about two weeks ago whether or not he had received a brief from the tenants' association in Hamilton. The brief was very suitably entitled, "A brief to the Ontario Housing Corporation to prevent the creation of a slum in Mohawk Gardens" in the city of Hamilton.

In order that we understand what we are talking about: First of all, I am not trying to level any criticism at the administrator of Mohawk Gardens. I know him well; I think he does an excellent job within his scope. I do not want to leave any implication or any doubt in anyone's mind about that.

Mohawk Gardens is a wartime housing subdivision. The mayor of Hamilton, some 16 or 18 years ago, decided it would be a good idea to move the little pill-box type wartime houses that were built and were located down in the Barton Street and Gage Avenue area and other areas of the city onto one piece of ground and establish a low-rental accommodation area. I think he was wrong, but he did it in good conscience and in good faith; perhaps he did not have the opportunity to view what had happened in other areas.

The houses are almost all identical, almost all starting to fall apart. And the brief that was submitted by the people who live there pretty clearly outlines the problems that they see, and they have asked for some assistance from the Ontario Housing Corporation in clearing up this area before it becomes an out-and-out slum. At this particular point in time, it is still salvageable: much of it, anyway. And I want to refer to some of it, because I think it is very valuable.

The tenants, together with the social planning and research council of Hamilton and district, drew up a questionnaire which they sent or delivered to everyone in the subdivision. There is a total of 515 units; 209 of them responded, which is 41 per cent, which is a very high level of response. They have pointed out in their brief that one of the reasons only 41 per cent responded was because there was a feeling among some of the people that if they did not respond to the questionnaire there might be some retribution extracted and they felt rather badly

about it. I think this was wrong, but by the same token many of these people have been socially deprived for so many years that even a hint, even the vague possibility that something might happen to them, is enough to discourage them. I think, as I say, it was not likely to happen but they were afraid it would.

Anyway, they were asked a number of questions on the questionnaire and the 41 per cent has indicated pretty clearly some rather significant problems of the area. These are problems that I think a little bit of money—and that is what almost every problem requires these days—but a little bit of money might be able to solve.

They were asked what they thought of the idea of home ownership, they were asked whether or not they would prefer home ownership or have the units replaced. Of those who answered, 34 per cent indicated that they figured it would be better to have them replaced, and I think they were right. Then 73 per cent, which takes it over 100 per cent, suggested that they thought the houses could be offered for sale; in other words indicating that they would be prepared to purchase the home they live in.

I am always a little worried about that, frankly, because while I want to see people move into homes that they own, I am a little concerned that if we go into the wholesale selling of public housing, we will deplete our stock of public housing to such an extent that when legitimate emergencies arise, we will not have any place to put them. I am hopeful—

Hon. Mr. Randall: I might just stop you here and point out that it is very difficult to get people out of public housing now, so I do not think our situation will be any worse if the people now living there bought their own homes. And I think in that case that they would be probably more socially acceptable in the neighbourhood.

I can assure you I am a defender of the people in public housing, as you well know. I have gone on record. But we think perhaps if they were given an ownership position they would take advantage of it. However, I do not think that selling public housing today means that we will be looking for that housing a few years from now for people who need it very badly. Our experience has been once they are in there, possession is nine points of the law and damned few of them move out.

Mr. Deans: Of course, there is a reason for that.

Hon. Mr. Randall: I think the answer is just to keep on building the kind of housing that people need in the future.

Mr. Deans: A goodly number of them do not move out because in relation to the cost of living, their incomes do not rise sufficiently to enable them to save any money to enable them to move into other accommodation. The other problem, too, particularly as you go in to geared-to-income housing, is that the ratio of the income to the amount required is high enough that it almost excludes saving the kind of down payment that you require in today's market in order to purchase a home anyway. There are other reasons.

Hon. Mr. Randall: It could be that some of those people are better off financially than when they went in there, as you recognize. We have had the odd case when we know that the income of the—he is a limited dividend setup—we know that the income of the tenant right now is \$12,000, plus he has got adult sons working in Toronto. He says "Just try to move me out; you will have a hell of a fight on your hands."

Now here is a fellow who automatically should have moved; he should have made room for somebody else to get the same break he got when he needed it. I would think that some of those people, not all of them, mind you, but I think the percentage you said would like to buy their home, would recognize that perhaps they now have sufficient funds to make a deal. Then they can sell it for, perhaps more than they paid for it and move on somewhere else.

Mr. Deans: Of course there is always the other side of that coin. If those people there were offered the opportunity to purchase, chances are they would not purchase anyway, because if they were making \$12,000, the home they would be offered to purchase would likely be priced at market value. And the market value, I am sure, would not encourage them to purchase that particular house.

Hon. Mr. Randall: If, one of these days, all the housing is put on a rent-geared-to-income basis, chances are it may motivate somebody to either buy or move.

Mr. Deans: Of course, I do not agree with the scale. That is one of the biggest problems. Anyway, let me go on with this brief, and then we will talk about the effects of it.

They have asked, in the recommendation, that some kind of negotiation be started with

the tenants in Mohawk Gardens who wish to purchase their units. I had heard that there was the possibility of replacing the entire area, that OHC has begun to recognize that the deterioration of the homes in the area was so rapid that they were now considering seriously the replacing of those units with other units that would be more substantial and that would enhance the entire area, which is a residential area to begin with. Is there any truth in this? Is this likely to be?

Hon. Mr. Randall: Could I ask Mr. Riggs to speak on Mohawk?

Mr. Deans: Yes, sure; anybody at all.

Hon. Mr. Randall: I think he is familiar with the figures, and he can probably bring you up to date on the situation at the moment.

Mr. R. W. Riggs (Ontario Housing Corporation): Mr. Chairman, talking about Mohawk Gardens; this is a full-recovery project. It is a federal-provincial project, and the rest has been on a full-recovery basis since the project was placed there. This means that persons living at Mohawk Gardens are purportedly at fixed income to a certain level and they pay a fixed rent; it is not rent-geared-to-income. Therefore, any repairs that would be made to that development, over and above the normal maintenance and operating expenses, would lead subsequently to increases in rent, which to some degree have been opposed by tenants at Mohawk Gardens.

Mr. Deans: Can I ask you at this point, then, since you are obviously going to—

Mr. Riggs: This is in previous years I am talking about.

Mr. Deans: In previous years. Okay. Go ahead.

Mr. Riggs: In terms of the repairs, the tenants' association met with members of the Hamilton housing authority, which has worked closely with them. This corporation, at the request of the Hamilton housing authority, has met with Central Mortgage and Housing Corporation and has submitted to CMHC a request to expend \$100,000 to bring about repairs, particularly in two areas. One is safety; in other words front porches that are needing repair or replacement; the second is in hygiene areas, which relate to kitchen and bathroom areas. In addition, there are other areas in the housing which require repairs. I would advise you that the scope of work for these various repairs is presently being

prepared by this corporation and will be issued for public tender as soon as possible.

In terms of the entire area, Central Mortgage indicated some time ago that it felt this area, or at least parts of this area, should be redeveloped. This corporation has undertaken to examine a number of, shall I say, average homes in Mohawk Gardens and to attempt to estimate the average cost of putting these houses back into reasonable shape for possible sale. At this time, we do not know how much it would cost on the average to bring these houses up to the standards required for housing in this province. On the other hand, Central Mortgage are also examining the possibility of redevelopment. At the present time, I do not know their objectives in this regard but we are working with them.

Mr. Deans: Can I ask you a question in regard to the last statement you made about estimating the cost of bringing the homes up to the standards required for general acceptance in the province? It is very difficult to understand how we could have allowed these homes to deteriorate to such an extent; that they are—

Hon. Mr. Randall: Well, may I just—

Mr. Deans: No, you can in a minute. I will only—

Hon. Mr. Randall: May I just say that Mr. Riggs just pointed out that the people themselves objected to increases in their rents by spending money on maintenance, and sometimes this is the difficulty that you run into. Maybe they are not the people who are in there today, or maybe they have had a change of mind on this.

Mr. Deans: Well, I think you would agree with me that there are very few people in the private sector who would accept the proposition that someone renting something from them should determine the condition it should be kept in. I think you would also agree with me that if you owned a house, and you were renting it and you found for some legal reason that you could not raise the rent, you would still expend the necessary money to maintain your investment. And this is what has not been done. Even considering the fact that the people could not or would not pay more money, the very minimum you would have expected from Ontario Housing Corporation, or I would have expected anyway, would be that they would have spent enough money to maintain the premises in order that they would be at least protecting their investment and its value. And this has

just not been done, regardless of whether you get it back or not, because at some point, you lose your entire investment if you allow the houses to fall down. And this is assuming the argument put forward is valid, that the people would not pay the cost of maintaining them.

Some day, in the not too distant future, they are going to collapse and then you are going to have lost your investment entirely. And this is where the problem arises and the people have asked and asked over and over so it is not something new.

And what is being done now really ought to have been done years ago, and really ought to have been reported, and I suspect was from time to time. The need to replace such things as bathroom floors, where if you stand too close to the wall, your foot goes through—you know, this kind of thing. It has rotted away. Where basements are just totally lost—the manner in which they are constructed and the ventilation is so bad that they were not suitable for the public to go into and I worked right in that area for a number of years and inspected the homes regularly for fire hazards and found all kinds of them.

Hon. Mr. Randall: From what you tell me I would be inclined to believe without seeing it that we should put a bulldozer to them and start over again.

Mr. Deans: You know, there are some of them where that might be the answer. Although there are others—and I think we have got to be fair about it—there are others that are in a reasonable state of repair.

But let me just tell you about the bathrooms. The unsatisfactory flooring; it was decided by those who looked, that in approximately 50 per cent of all of the homes there the flooring in the bathrooms was dangerous and unsatisfactory, and should be replaced immediately.

You know, this is true. And you of course, will have your own people going, I am sure, and looking at it and you may decide that it should be 45 per cent instead of 48 per cent or something. And people have mentioned something about heating—and I suppose it depends on what you expect from life what you expect in the way of heating—but those homes were impossible to heat. They are impossible to heat. Electrical outlets are completely unsatisfactory.

Let me tell you about canvassing for the board of education some years ago when I ran. You could not knock on the glass on the door because there was not any, you know. It is that bad, I am not kidding. And

this was not on one house or two houses, but on houses all the way down the line and you could say to me and I would believe you that you replace the glass every week.

You know this condition prevailed year in and year out and when I was canvassing, it was December and it was cold.

Hon. Mr. Randall: I think you must remember—and I do not make any excuses for the situation—they were built 10 years after the war or during the war and when we wanted to tear them down, the city of Hamilton said: "Look, there is such a shortage of housing, do not tear them down, move them up on the mountain." That is how they got used.

Mr. Deans: Oh yes, it should have been a very short term proposal.

Hon. Mr. Randall: It should have been a short term proposal but this is one of the reasons why they were moved. They probably should have been knocked down where they were before they were moved.

Mr. Deans: Could you tell me, just before I go on, what was the term of the mortgage on the homes? How long did it take to amortize the entire project?

Hon. Mr. Randall: Forty years.

Mr. Deans: You can imagine; I do not know what you paid for those houses and I am not going to try to find out; but you can imagine how little it costs, assuming the price of the home, and it could not have been very much, and assuming the value of the land, and it was not very much, you can imagine how little it costs to maintain each of those units in terms of paying the mortgage. It must be a pitifully small amount over 40 years.

Hon. Mr. Randall: Yes, it was, in order to keep the rents down.

Mr. Deans: I mean the rents are fairly low but even at that there must have been money left over, a certain amount of money left over for the general maintenance of each home, and I have always wondered, and I have asked and I have had conflicting reports. But I wonder just how much of the money that was supposedly set aside for the maintenance of these homes on a year-to-year basis, over the last 16 years, has actually been spent. I do not mean actually spent in the last year, in an effort to try and catch up, but was actually spent on the individual

home over the last 16 years, in an effort to maintain it in something like reasonable condition.

It would be difficult, I would suspect, for the homes to reach the condition they are in if they were maintained regularly.

Hon. Mr. Randall: I will try to give you that figure, if you want it.

Mr. Deans: Thank you. I would appreciate that. You will give it to me another time.

Other things have been raised, and I think that you have got to try to recognize that if you drive into this housing development, there is no question in your mind that it is public housing, no doubt! There is not another development in the city, I suspect perhaps anywhere in southern Ontario, that so clearly spells "public housing" as this particular development does. You know, rows and rows—you have heard that song about rows of little boxes—that is what they are. There were things that could have been done that would probably have been beneficial to improve the general social atmosphere that prevails throughout the area.

People have complained that it is impossible to maintain the home and the grounds in anything like a reasonable condition when everybody and his dog, and most often his dog, uses your backyard as its thoroughfare. People run up and down the backyards. They cut through. You do not walk around into Indian Crescent. You just walk right through. It is ridiculous. How can people possibly have any pride in the thing, and even in their rental aside from the ownership, if there is no clearly defined boundaries to their property and there is no incentive for them to do anything about the upkeep of it?

I was told some time ago the reason fences were not put up was; first of all, if they permitted the tenant to put up his own they would get all different kinds of fences. Well that happens in every subdivision. Secondly, the reason the Ontario Housing Corporation did not spend the money was that it was so expensive and they were not raising that kind of money from that project.

Neither of the arguments is particularly good. The one argument, in regard to whether or not the people should be entitled to put up their own fences is a pretty elementary thing. If you owned the house you would be able to put up your own fence. You could put up any old fence you want to keep people out, as long as you kept them up. We do not have any particular regulations governing that in the street next to that

one, or on the houses across the street. I do not see why those people could not have been entitled to the same kind of privileges or rights.

The other thing is that if only to safeguard your property and to cut down the maintenance required because of breakage and vandalism, you would have thought you would be interested in subdividing it, at least to some extent. Maybe every second house could have a fence, maybe covering two backyards, rather than one so that people could not just come in, break a window, run away and disappear before you get a chance to catch them.

You cannot hang out your clothing. You cannot put your child out in the backyard because there is no backyard. If you have a small child, you do not take it out and sit with it, which you maybe ought to do anyway, but none of us do. If you do not take your small child out and sit on the step while your child is outside, your child does not get out until it is old enough to be aware of the traffic and not to wander.

It happens that in a community like that there are a great number of people with a great number of children. It would seem to me, if only to provide some kind of privacy and some kind of safety for the children involved, that the thought of erecting some fences in the area would have been sensible and should have been done some time ago.

The people did complain that there was a certain amount of inconsistency in the maintenance. It is hard to tell what exactly was meant by that. I read the brief and spoke to the people. They say that the inconsistency was that so and so could get theirs done but somebody else did not get theirs done, and that could well be in the operation of the thing. I do not know how that came about.

There are long waits on repairs. I think that this is valid. I checked it out. There were long waits and still are long waits for repairs because there are a limited number of people on the maintenance staff. One or two, I think, and they are continually kept hopping. Therefore, if you have something go wrong, you cannot expect somebody around within that week to do anything about it unless it is of a major nature, unless the roof has fallen in or something like that. It seems that if you pursue that policy to its extremes, you are going to end up with a repair that could have been done for \$5 or \$10 costing \$50, because of the wait and the damage that is brought about by children;

like a hole for instance, with children sticking their finger through it, or stairs falling apart and somebody props them up and somebody else gets injured.

Hon. Mr. Randall: Let me say that I agree with you. Some day they are going to have to come down. We go back and look at the past; we can talk about the past. Most of those people get single-family homes at \$42 a month. They live right across from a park and they were very acceptable homes, of course, when they were put in that area.

Mr. Deans: Of course, there were not very many other homes in the area.

Hon. Mr. Randall: I know there were not too many in there, but I said these people had a good deal and I am not faulting the people. I just simply say that I imagine, if we ever go back and check on the incomes over the last 10 years, even at the 25 per cent level, you will find most of these people can afford to be paying more rent. They could also afford to do a few repairs on their own. There is no reason for a window to be out waiting for the maintenance men to come around.

I appreciate they do not want to spend their money if they can get the taxpayer to do it, but I think they have some responsibilities too.

Mr. Deans: Many of the people have expressed the willingness to do things for themselves. For example, things like cupboard doors—they were told they were not permitted. Whether or not they are permitted is neither here nor there. If you can imagine it, every cupboard in the house—I am talking about the ones above the sinks and in the bathrooms, and in those kinds of places—had no doors.

What do you do with things that you want to put in there? I have a dog and I want to put stuff away so that the dog cannot get at it. There is a limit to how many high places there are in any one house.

People first of all ask if doors will be put on. They are told “no.” They are told that they cannot alter the home in any way from the standard.

So therefore, if they put them on, they are facing some difficulties and if they do not put them on the place looks like hell. This is another problem.

You say to me: “It may be repaired,” but it will not be done in the next five or 10 years I suspect. You are already up to your neck, at least, in projects for building houses.

Hon. Mr. Randall: It is not on the priority list to sell. On the other hand it is on the priority list to do something with, I would think—to utilize the land for better purposes. So in view of the brief that has been presented, with your comments, I think that I can assure you, as Mr. Riggs has done here, that we will take a look at it and see if we can put any priority in there as far as the housing corporation is concerned.

Mr. Deans: I am not going to pursue it any more. Let me just ask you if you would please act with haste. It is absolutely necessary. The people there have done an excellent job. There is a pretty good feeling developing among the tenants, because they do feel that maybe this time something is going to happen.

You know, if you could just make a start and show them that the effort they are putting out is worthwhile, it is going to do a lot for the morale in the area. It also is going to do a lot for the general upkeep of the area, because if they see you trying I am convinced that most of them will try, too.

Mr. Chairman: The hon. member for Renfrew South.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, I would like to make a few observations on this. I have a great admiration for the presentation just made by the member for Wentworth and my observation is that, after the amount of discussion there has been on housing problems over the past four or five or six sittings, the matter has been covered so well there is really no area where one can get unduly excited. We know there are problems, isolated problems, and that the housing authority or the Ontario Housing Corporation are doing all possible toward solving them.

One thing I might mention, Mr. Chairman, I know it is very difficult to know what is the best approach to dealing with these votes, but it does seem that, when we deal with the kit and kaboodle at one time, it deprives us of that opportunity for exchange on that particular matter. When you have so many members of the Legislature interested in housing and when you have lists of those wanting to speak—perhaps eight, 10 or 12 members—by the time the speaker does get the floor, those people are away maybe for a day and a half.

But regardless of whether they are here today or not, we on this side of the House

have our duties too; we cannot sometimes just let members on that side of the House rip and snort and do everything else without having our own comments.

I was interested, Mr. Minister, when you said yesterday that you, or the Ontario Housing Corporation, were using about 93 per cent of all the money that the federal government provided to the provinces for housing. And a little later in the day, I think I saw an article in the Toronto *Daily Star* where the figure was something like 98 per cent. Which is correct?

Hon. Mr. Randall: Well, the average up to 1969 was 93 per cent from the time I took over housing, but in 1969 it was roughly 63 per cent. There was one year when we did use 98 per cent; I think it was 1968 that we used 98.5 per cent of all the funds available. As I pointed out to you, it is primarily because the funds are there for housing anywhere in Canada, and no other province came forward with a housing programme, so the federal authorities said first come, first served. We did not take it away from anybody else. I noticed some comments in the press from New Brunswick, but the comments are rather unkind for Ontario, because if they had been asking for their share it would have been there.

As far as we are concerned, as you recognize, we are cut down this year to \$118 million, as against \$128 million last year. We recognize the difficulties of trying to make the pie go a little further, and we are delighted to see the other provinces get some of that housing money and perhaps to be able to do something with it. But the only reason we have averaged 93 per cent is because we have a housing programme, and most of the provinces have copied the kind of a programme we have here. Perhaps we are victims of our own generosity in helping to set somebody else up, but I think it is good for the other provinces to have housing programmes. We do not fault them in any way, shape or form.

Mr. Yakubuski: It made me wonder, Mr. Chairman, and through you to the minister, about what must be happening in provinces like Quebec or B.C. Are they getting little or nothing for housing?

Hon. Mr. Randall: No, the province of Quebec formed the Quebec Housing Corporation, the same as we did here. They approached it a little differently. They asked the federal authorities to grant them so much

money; I think last year they granted them \$75 million for housing and turned them loose. And while they said the \$75 million could be used up and then come back for an extra amount, nonetheless each particular project had to be approved by Central Mortgage and Housing. But they knew they had \$75 million.

I think the only difference we had with Ottawa was, as I said a little while ago, that if they gave us \$118 million, and some other authority, for instance, a co-op group or a limited-dividend group or even the group that is down here now talking about building the place at Victoria and Main, gets a portion of the money, it has to come out of the \$118 million, and we do not have \$118 million. All we were discussing with Mr. Andras was if he could tell us for certain how much we could commit ourselves for, because we do not want to commit ourselves for \$118 million and find that somebody had lifted \$11 million for some other project, which is entirely legal and legitimate, but it leaves us with an \$11-million shortfall. I think that what Quebec did was to say, "Give us \$75 million for this year and we will make that commitment." They do have a housing programme, and I think they are starting to move on it.

Mr. Yakubuski: I am wondering what the minister would prefer. Does he prefer the present setup with the federal government in Ottawa?

Hon. Mr. Randall: Pardon?

Mr. Yakubuski: I am wondering what you would prefer in the way of approaching or tackling the housing problem in the province of Ontario, insofar as federal moneys are concerned.

Are you in favour of the present policy as it exists with Ottawa, or would you be in favour of a policy such as you just outlined is taking place in the province of Quebec? Or would you rather—as I feel about most federal-provincial programmes, especially cost-sharing—that they should go down the drain and that we get this money, with no strings attached, to use in a manner where we establish our own priorities?

Hon. Mr. Randall: Let me say that as long as the federal government is prepared to pick up 50 per cent of the subsidy, I think they should have some say as to how they allot the money in any province, and we recognize that.

I come back and say the only thing we would like to know is how much money is available. You will recall Mr. Andras said there is \$118 million available and \$10 million for student housing. We had already committed ourselves and had plans set for \$32 million for student housing—which we will get into later—and \$10 million was available, so had we gone ahead with those plans we would have found a \$22 million shortfall which we would not have been able to cover.

For instance in 1969 we got 76.7 per cent of the Canadian housing funds from Ottawa, and I think this year, in 1970, in view of the fact they are spending probably more money than the provinces, we will get maybe 50 per cent of the Canadian funds that are available for public housing.

But answering your question, I think we have gone on record as saying whatever it is, just tell us for sure that amount of money is there. We do not believe you can operate a housing programme on an on-and-off basis and not know where you are going once you have made a commitment, because when we have made a commitment with our developers, the developer may spend \$25,000 or \$30,000 designing, say, a major project for us in housing 450 or 500 people, and then we find we do not have money to go ahead.

Well he is down the drain \$25,000 or \$30,000. And you add that to the cost of the land he is holding and the time he has had on the project and the lawyers' fees he has, you can see where it is costing the developer who is willing to build public housing a great deal of money. We think that could be avoided, as we said to Mr. Andras, and I think he is sympathetic to us, if they have a fixed sum of money tell us what the fix is and we will be guided accordingly.

So I think in answering your question, the only thing we would like to do is have Ottawa say, "Well, on January 1 you are going to get X number of dollars for the year. You can go ahead and commit it. If you commit beyond that, you had better come and see us."

That is what Quebec does and that is what we ask if we could do with the federal authorities in Ottawa. But we do recognize—and I think my colleagues will bear me out in this—that while the federal government is prepared in its wisdom to pick up 50 per cent of the subsidy, we must recognize it must place some limitations on the amount of money going into any province, including Ontario.

Mr. Yakabuski: Well for my money this is about the only programme that is jointly shared by Ottawa and the province, that we sort of come out on top of.

Hon. Mr. Randall: Pardon?

Mr. Yakabuski: This is the only, or perhaps one of the few programmes, that the province shares in a manner with Ottawa that we come out on top on.

Hon. Mr. Randall: Well I think we come out on top in this way, it is a good programme for us. I think in Quebec, for instance, the municipality has to pay five per cent if they want public housing in their area. You will recall we got away from that, we set up the housing corporation because the 7.5 per cent we were asking the municipality for was the reason why many of them said, "Well, we cannot afford public housing in our municipality, we do not have any money." Once we took the need for capital investment away from the municipalities, then we got a good many municipalities who said: "Well, okay, go ahead and build public housing, all we are going to do is ante up 7.5 per cent of any losses," but they did not have to put up 7.5 per cent of the capital. In Quebec, they operate a little differently. The federal authorities put up 90 per cent of the money, the municipality five per cent and the province five per cent. So, we do not find any fault with the programme as it exists at the present time.

Mr. Yakabuski: Well, still on the same programme really, yesterday we had the member for Windsor-Walkerville (Mr. B. Newman) talking about the buck passing, you know, and you go to see OHC and they are waiting on Ottawa, and you talk to the federal people and there is some delay at the provincial level, and do you see in that Central Mortgage and Housing and the local or the provincial corporation participating, do you see any red tape there that in some way could be eliminated whereby some of these projects might be speeded along much faster than they are?

Hon. Mr. Randall: There is a duplication in what the Central Mortgage and Housing Corporation does in regard to inspection and what we do in regard to inspection. We feel our people are qualified to inspect on behalf of the federal government, as we believe they are qualified to inspect on our behalf.

We think there is a duplication there where both of us have to do an inspection job in order to get a public housing project

accepted. If we have set up a corporation here which we are asked to do—and mind you, we were asked to set up the Ontario Housing Corporation as an entity so the federal authorities could lend money to us directly on that 90/10 basis. When we set the corporation up we felt that we had sufficient knowledge that we were not going to pick out sites in the swamp; we were not going to build buildings that fall down. We recognize that the federal authorities have an interest by putting in their 50 per cent subsidy. We suggested to them—and I think it is pretty well accepted that we must, one of these days, recognize the fact that we can speed up the housing programme if we do not have two sets of, say, planners, architects, approvers, inspectors, looking at the housing projects—Ontario Housing Corporation is now prepared to go ahead and do this itself. The very fact that we have gone into the mortgage field now, the same as NHA, and we will provide the money direct—we are doing that job anyway under Ontario Housing Corporation mortgage loans—led us to feel that we could do the same thing for public housing and senior citizens and save perhaps Ottawa and ourselves a great deal of money by having the Ontario Housing Corporation do the work that is now being done for us by both organizations.

Mr. Yakabuski: I think we all realize that Ontario Housing has done a tremendous job in its infancy. Would you say, Mr. Minister, that Ontario Housing Corporation has now really grown up from the way you talk there now?

Hon. Mr. Randall: Oh I think we are pretty sophisticated in the housing field regardless of the criticism we get. I do not know anybody that is any more sophisticated than we are. We have had people here from many parts of North America to look at our programme, and we have had some pretty knowledgeable people here. I would think that one of the sophisticated housing corporations anywhere in North America is the Ontario Housing Corporation.

Mr. Chairman: Are you finished?

Mr. Yakabuski: No, Mr. Chairman, I am only getting really into it. Getting back to that buck passing bit that the member for Windsor-Walkerville was talking about yesterday, I know from personal experience that on these cost-sharing programmes, Ottawa has always played a cat-and-mouse game with the provinces. I have had some experience on some other programmes such as the

ARDA programme. As an example, some five or six years ago we conceived a tourist development project in the Renfrew area. The story we always got was that as soon as the province passed this particular project, Ontario Treasury and cabinet passed it, of course Ottawa would immediately pass it. They told the people they were talking to: "We are just waiting on the province." Back in 1967 our Treasury Board passed the project, and subsequently, a few weeks after, Ottawa turned it down. Again last fall, in 1969, we passed a similar project, and a few weeks later Ottawa again turned it down. Here just a few weeks ago, we passed the same project in another shape and form again and we are still waiting on Ottawa to give its approval to the project. Yet all these years they have been telling my constituents and telling our people: "Well as soon as the province passes it, we will certainly give it the okay."

There is a darned good example of buck passing. I think if the member for Windsor-Walkerville wants to put his finger on who is the past master in buck passing, he would best have to turn to his federal friends in Ottawa.

As I mentioned, Mr. Chairman, you know it is unfortunate that with so many people wishing to participate in these estimates, some time goes by and the people that have been speaking are gone when the subsequent speakers have the floor. The member for, I guess it is Etobicoke, Mr. Lawlor, was talking about—

Mr. J. B. Trotter (Parkdale): Lakeshore!

Mr. Yakabuski: Lakeshore! Well, it is in that area. But anyway, he was talking about the veterans' programme in the United States after the Second World War. It is so unfortunate that he is not here, because I was most anxious to know what had taken place insofar as the veteran is concerned. I am always interested in veterans' affairs because I happen to be a veteran myself, and I am interested in what has taken place in socialist Britain after the war insofar as provision for veterans' housing is concerned or grants under The Veterans' Land Act. But unfortunately, he is not here and I guess that will have to go unanswered.

He also took to task the insurance companies, the mutual funds or whatever they may be, about not making money available for housing purposes, and he went into this in great detail. Now that makes one think, you know, because we know insurance companies

collect a lot of money. The mutual funds collect a lot of money from the average person on the street today, the average citizen. But there is another body that collects a tremendous pile of money in this province and right across the country and continent for that matter, and that is the trade unions which I talked about last week. I am wondering what the trade union movement has done with its vast funds to alleviate housing shortages in this province. We will only speak of this province. Have they participated to any degree with the vast sums of money they collect from these workers, month after month and year after year? Has any of this gone in to provide housing and provide roofs for these workers? Could you answer that, Mr. Minister?

Hon. Mr. Randall: I am not familiar with some of their own personal or private plans. There has been no money made available to the Ontario Housing Corporation or to the Treasurer (Mr. MacNaughton) for this purpose. When the Ontario Federation of Labour met, in this room I believe it was a month or two ago, and presented their brief, the Treasurer suggested to their president, Mr. David Archer, that if there were funds available—pension funds—that we, the housing development corporation, are in the mortgage business and would welcome any funds that the unions would have available.

Since that time, I wrote Mr. Archer a letter asking if funds would be available. He is taking it up with his colleagues. There is an indication that perhaps they may be making some of their pension funds available, through the Treasurer, for the housing development corporation as mortgage money. But at the present time, we do not have those funds.

Mr. Yakabuski: But it is under consideration?

Hon. Mr. Randall: It is under consideration at the present time.

Mr. Yakabuski: I think that is very good. I notice here in the latest *Labour Review* May/June, 1970, that the Ontario Housing Corporation is called America's biggest home owner by this publication. Of course, I guess—

Hon. Mr. Randall: I guess we should all ask for more money.

Interjections by hon. members.

Mr. Yakabuski: I think so. They realize the need and I would think participation will

be forthcoming. Of course, the member for Downsview (Mr. Singer), too, was talking about his concern about moneys and slashing red tape with your counterparts in Ottawa. He offered every type of assistance in his capacity and through the many strings he can pull with Ottawa, and the friends he has—

An hon. member: Where is he?

Mr. Yakabuski: I do not know where he is, but I was just wondering why the former mayor of Toronto, Mr. Givens, who has made many speeches on Ottawa's neglect of the Metropolitan and urban areas—he has made many speeches on this and he is terribly frustrated, I would think, by the outbursts that have come forth from him in recent months—why someone who was so close to the problem in his time, so near, and who should be so knowledgeable about it, cannot seem to get through to the people in Ottawa at all.

An hon. member: Why do you not ask him?

Another hon. member: Write him a letter.

Mr. Yakabuski: I am just wondering. I said it was unfortunate your member for Downsview is not here today—

An hon. member: Ask Mr. Randall; he knows everything.

Mr. Yakabuski: —maybe he knows. He is very knowledgeable, you know. Sitting here for the last four or five days, I do not know of anybody in this room more knowledgeable. Of course, we had another one—

Interjections by hon. members.

Mr. Yakabuski: We also had the member for Sarnia (Mr. Bullbrook) here last night. He spoke to us with some knowledge on the problems in the Sarnia area, about a development that was located some nine miles from Sarnia and really never did get off the ground.

He has asked some questions of the minister and I think answers will be forthcoming. But the member for Sarnia had knowledge, I think, that no one else had, including the people in the Ontario Housing Corporation, because he was in the fortunate position of being a staunch supporter of the party in power in Ottawa and he was CMHC solicitor for that area.

Now Ottawa guards these appointments very, very jealously—I know from experience in my riding. Therefore, I know that is the only reason the member for Sarnia would get that appointment, but anyway—

Interjections by hon. members.

An hon. member: Here is the member for Sarnia now.

Mr. Yakabuski: We were just talking about your comments last night on that development in Sarnia in that it was located some nine miles from Sarnia and never really did get off the ground. We mentioned, as you did last night, that you had information from your choice position that perhaps people in OHC and ourselves did not have, in that you were solicitor for Central Mortgage and Housing at the time in the Sarnia area.

Mr. J. E. Bullbrook (Sarnia): Basically, I believe they prepare a list of well-known Liberal lawyers and some Tories stay on the list. They manage to stay on the list by bouncing like a tennis ball back and forth in their partisan affiliation, if you follow me.

When Dief was in, they were Tory to the core and then, when Pearson got in, they kind of waffled toward Liberalism and they managed, Mr. Chairman, to keep up that CMHC—

Interjection by an hon. member.

Mr. Bullbrook: I think I did, I do not know. I believe that I did about six CMHC mortgages over those years. They did not like me very much.

Mr. Yakabuski: The thing that bothered me after all was said and done last night, you know—and then you were chastising the federal government, too—

Mr. Bullbrook: I was chastising the government, Mr. Chairman, about the question of the obligation—the total social responsibilities—of financial institutions to convey the funds that they have trust of and that they own themselves, in the housing field. I think I properly chastised the federal government—and more power to me.

Mr. Yakabuski: That disturbed me a little, though, assuming how you got the solicitor's appointment.

Interjections by hon. members.

Mr. Chairman: Let us get back to the estimates now that we have had our little fun.

Hon. Mr. Randall: I might say to the hon. member if you show me a firm with three lawyers, I will show you three political parties represented.

Interjection by an hon. member.

Hon. Mr. Randall: I would hate to be in Quebec, you have got to take a firm of five lawyers or you cannot have a firm.

Interjection by an hon. member.

Mr. Yakabuski: That is what we assumed and you confirmed it, so that is just great.

I was wondering, Mr. Minister, if anyone did know about what return the average private apartment owner received on the money he has invested in that venture. Has anyone got any idea of what percentage of return he would get?

Hon. Mr. Randall: I might say I have seen some balance sheets of some of the major apartment owners in the city of Toronto and their return has been two per cent or less. Now you can give them quite an argument about depreciation and write-offs and many other things, but in my estimation, the apartment owner today is getting out of apartment-house building because of the lack of mortgage funds. He has got to give, as the member for Downsview said the other day, an arm and a leg away in order to get funds from some of the financial institutions. They are turning to commercial establishments, so I think you are going to see less apartments built as long as this condition continues in the private field.

This has been one of the major concerns, I believe—that some of these larger developers who have the capacity to house our people find it is just not financially possible to take their funds and tie them up into projects of this kind when they can get a better return on commercial properties. I would hope that once the inflationary fight is either over, or recognized as unsuccessful, that these people can be encouraged to come back in again.

I suppose that the return on investment in apartment houses vary with very many people, but some of the larger statements that I have seen indicate—and certainly I can understand and I think anybody can—that the return after taxes is not going to be suitable and that they are going to put their money into other operations.

I see a statement here before me. They show where the rent dollar goes—1967 is the latest figures: 1,422 suites, 20.3 per cent went in taxes, 21.4 per cent went in maintenance and repairs, 2.9 per cent went in management fees, 33.6 per cent in mortgage interest and bank charges—and I think since 1967 those interest rates have gone from seven or seven and a quarter to almost 10,

10.5 or 11 per cent for apartment house builders—principal payments eight per cent, and the cash flow to the owner before taxes of 13.8 per cent. That may be the average, but I have seen statements that indicate a lot less return. As I point out, I think many of the major developers are having second thoughts about putting money into apartment dwellings.

I know that some of the developers have backed out completely under present circumstances, because they say borrowing money at 10.5 per cent or 11 per cent and having to give away part of their equity means they wind up almost being janitors when the project is finished.

I can recall a chap coming to me not too long ago with 9.5 acres; he wanted to put up, I think it was, 300-and-some-odd suites, and he went down to see one of the finance institutions. They said, "We will give you \$4,600 a suite times 350 and then you rent it back; we give you an option back for 99 years." They charge him 10.5 per cent for the money for the bricks and mortar; he could take 42.5 per cent of the rent for expenses and they wanted 20 per cent of the remainder. The guy said, "They reduced me to the point of a janitor before I even got my hat off." So he came to the Ontario Housing Corporation to see if we were interested in the project he had in mind.

These are some of the things that the developers are finding today in the financial market; they are finding it very difficult to build residential housing either in apartments, high-rise or condominiums. So any that are building are certainly going to have to charge a lot more money for their accommodation than I think the average person can afford to pay.

Regardless of what anybody says, the lack of money from the insurance companies certainly has quite an effect on how much housing is going to be built. They were the main source of funds over the years; they no longer are, as far as modest-income families are concerned, or I do not think we would find ourselves as a housing corporation doing the things we are doing in the home field that should be left to private interest to do. But if private interest will not do it, then the government has to fill that void, and that is what we are trying to do.

Mr. Yakabuski: What prompted that question was that New York City, as of July 1, is going into rent law reform and, according to this article—I am going to quote from it—

As of July 1, 1971, new rent ceilings would be set for 1.3 million controlled apartments. Ceilings would be set by the department of rent and housing maintenance instead of by city council as at present. The new rent schedules would be figured by computer to allow a landlord 9.5 per cent annual return on his building's market value.

With 9.5 per cent return he is more or less guaranteed that. I know that is not after a lot of other things. Would that still make the proposition more attractive than it is here at the present time?

Hon. Mr. Randall: I would be inclined to believe that if anyone is going to be guaranteed a 9.5 per cent return, certainly he would be more encouraged to put his funds into residential building. But that is not the case here, as you recognize.

Mr. Yakabuski: At the same time, this is going to put rents up. They are going to raise rents 10 to 12 per cent.

Hon. Mr. Randall: It is obvious that whatever the return is, it has to come from the fellow who is renting the apartment in the long run.

Mr. Yakabuski: One last question, Mr. Minister. What would you say is the greatest contributor to apartments and rental space—that is, for housing—degenerating into a slum? What is the greatest contributor? What is the greatest cause of that happening?

Hon. Mr. Randall: I suppose there are many things. Let me say today we are living in the age of vandalism; we might as well recognize it, and not necessarily from the poor people. I have two daughters living in apartment houses. I live in one myself. I have a number of friends living in apartment houses, certainly a long way from public housing. What happens to those buildings and those elevators and the hallways would not happen in a slop shop. I am inclined to believe that people who rent do not have the same respect for it as they do for the property they own. You can talk to some of the best builders and managers, and you will find that their elevators are carved and beaten up, knifed; the chesterfields in their lobbies are either stolen or ripped.

We have had that situation in St. James Town, where we have 1,600 units mixed in with private development, and the vandalism that goes on in those buildings would stagger you. I would think that the parents

certainly do not even know what the youngsters are doing, or perhaps are not as conscious as they should be of knowing where the youngsters are.

But in the majority of apartments, whether they be for low-income people or high-rise, most of the damage that is occurring today is primarily vandalism. There just seems to be a destructive attitude on the part of some of the teenagers particularly, who should know better, to destroy property.

You can go to Sutton Place and I think in the elevator to go to Stop 33, they have three railings that are leather covered. I am told by the manager that if they have been replaced once they have been replaced a dozen times. Somebody will go in with a razor blade and just slit them and get off the elevator. Now who would do a thing like that except some guy who must be loose in the dome? You should throw a net over him. But this happens. People just seem to be destructive and I think this is part of the maintenance costs today. The maintenance costs in housing of any kind are one of the major difficulties, I think, in increasing rents.

I think I mentioned in the Legislature last year, that in the public housing sector in Detroit where they turned the housing over to the tenants 18 per cent of the rents went for maintenance prior to turning them over. After tenants had it for a year, 48 per cent of the rent went for maintenance, which indicated—

Mr. H. Peacock (Windsor West): Are you talking about Detroit?

Hon. Mr. Randall: Yes, Detroit.

Mr. Peacock: Have you seen it?

Hon. Mr. Randall: No, I have not seen it, but—

Mr. Peacock: Have you seen the state it was in?

Hon. Mr. Randall: No, but I have a report on it from the man who ran it who was over here from Detroit. Forty-eight per cent of the rents was used for maintenance. It is some indication—in some areas, not all—but it is some indication that maintenance is one of the major cost factors that apartment owners have to put up with today.

Of course he has had his taxes increased in most instances. If he has to borrow any money, he has increased interest charges. I

think I said yesterday that one of the developers told me that for every one per cent increase in interest charges he has to add \$12 a suite in his apartment building. We know that a man does not build an apartment and hang on to it indefinitely; a building may have three or four owners before it is finished.

You get people coming and saying "The apartment was built 12 years ago, why have I an increase in rent?" They probably find it had three owners since the apartment house was built, and each owner has to pay a premium to get the apartment.

These things have happened with some of the older apartments, so they do have their difficulties. But I think one of the major problems is the maintenance cost today in apartments. People expect a lot more for their money, and you cannot blame them. They are expecting sauna baths, swimming pools, gymnasiums and all the things that go with it. It is not just shelter any more; it is really a city.

Mr. Yakabuski: That is one side of the coin. The other is, you will notice—

Interjection by an hon. member.

Mr. Yakabuski: You will have the floor.

Interjections by hon. members.

Mr. Yakabuski: The other side of the coin is that sometimes, too, the owner lets the building deteriorate to some extent. Would this be due to his low return on his money?

Hon. Mr. Randall: Yes. I think you can go back to some of the early limited dividend housing, which was built on low interest rates with a five per cent return to the owner. I think in many cases, I know in Scarborough and in North York you will find some of the projects there deteriorated pretty badly because of the return. I mean there just is not the money to go back into the maintenance. I talked to a man the other day who had a holding in limited dividend; I think his taxes have gone from \$2,500 when he built them 20 years ago to \$128,000. His wage cost has doubled.

These are just some of the things that make it impossible for him to maintain those buildings which are getting older, need a lot of maintenance, and he is thinking in terms that he should probably tear them down and start over again, and build perhaps low-income homes under the HOME programme as a condominium.

I know Metro Chairman Campbell, who was formerly mayor of Scarborough, asked me once why we would not take over the limited dividend in his area—because it was apparent it was becoming almost a slum area due to maintenance cost and there was not sufficient return on the old method of limited dividend to take care of repairs. I think Mr. Andras recognized that the first year when he said they would allow, I believe, a 10 per cent return on limited dividend—is that the new figure?

I believe the new figure is a 10 per cent return on a man's investment, in fact I think the single family units they are talking about out at Victoria and Main—which they are going to build for childless couples or adults, single adults—are supposed to be limited dividend. I think they are going to be allowed a 10 per cent return on those according to CMHC rules and regulations at the present time.

But obviously the five per cent return is suffering due to maintenance costs.

Mr. Yakabuski: One last shot. We know that in New York City where rent controls have been in effect for some 10 years, they have contributed to a growing number of slums. My last question is in two parts. Do you feel that situation would happen here if government were to impose rent controls?

Hon. Mr. Randall: Well, I think that has been the general feeling, not only here but in many parts of the United States, that if rent controls were imposed then it is obvious that few people would be interested in building residential accommodation.

If they are not in it now they will not get into it and I think this has been one of the difficulties in New York. Some of those places have not been touched for years. They have had rent controls in New York, as you know, for a great number of years. I talked to the governor of Michigan once at a dinner in Detroit and he pointed out that they have a fixed interest rate that can be collected on residential housing and, therefore, there is no housing.

I mean people are putting their money into things they can get a great return on, and I do not know if it has been changed yet or not in Michigan, but that was the understanding I had from him when I talked to him a year ago.

So I think we are reluctant to see controls go on, unless controls go on other things. As far as I am concerned, I do not think you can

control one sector of the economy if you do not control the other.

Mr. Bullbrook: Would you permit me to ask one thing along that line? Do you feel that the limited dividend return of 10 per cent is a realistic one, having regard to a general knowledge of the return required on investment opportunity?

Hon. Mr. Randall: I think I pointed out before you came in—

Mr. Bullbrook: I am sorry, then, if the—

Hon. Mr. Randall: No, it is all right, I think I used the figure when I said the cash flow that apparently was being earned by the average fellow in the residential field was 13.6 and that was average. I know some developers here are getting two per cent return. Here it is—the cash flow to Toronto is 13.8 cents on the dollar invested before taxes.

Mr. Bullbrook: I was just thinking of your limited dividend procedure that is established by CMHC. It would seem to me as a lay person that that in itself is unrealistic, even in the elevation from five to 10 per cent. It is unrealistic in regard to, for example, the mortgage market return available to the investor. I wondered if you really felt that?

Hon. Mr. Randall: Let me say I think it is better than what most of them are getting today and it is an encouragement over the five per cent. In other words, it is a 100 per cent improvement and I think it is worth a try if somebody wants to put their money into it and it is guaranteed by Central Mortgage and Housing Corporation.

If a guy wants a guaranteed 10 per cent on his investment, I do not think he can get a better guarantee than maybe the government of Ontario or the government of Canada.

I think in that case, perhaps, he is getting a good return at 10 per cent. It is not as nebulous, possibly, as some of the investments you would make in the market today. At least he is assured of it.

But I think one thing that you must remember, when the government takes 52 per cent before taxes, the guy is really left with 48 per cent after taxes and if you boil that down, taking expenses out of it, there is very little that is left for the investor.

Mr. Chairman: The hon. member for Parkdale.

Hon. Mr. Randall: Can I ask one question here? I do not know how much time Mr.

Bullbrook from Sarnia has to spend with us in view of the fact the Attorney General is on, but he asked some questions yesterday and I agreed that if he was out we would not bring it up, but if you—

Mr. Bullbrook: Go ahead and answer them, if you can get the answers.

Hon. Mr. Randall: —want us to answer them while he is here—

Mr. Bullbrook: I would be most appreciative, Mr. Chairman, because we have the Muskoka bill coming up tomorrow afternoon and I am going to be involved with it.

Hon. Mr. Randall: Well, if your colleague from Parkdale does not mind, we can go ahead and answer your questions. Perhaps we can settle that question that you asked about Sarnia yesterday.

Mr. Bullbrook: That is very kind.

Hon. Mr. Randall: I think you asked us if we could table some correspondence. We have the correspondence here, which I would be glad to send over to you.

Mr. Bullbrook: I wonder, Mr. Minister, if I could have back the series of questions that I lodged with you for your facility, then I could—

Interjection by an hon. member.

Mr. Bullbrook: He should. I had them typed out. I did not read them.

Mr. Yakabuski: Oh, I see.

Mr. Bullbrook: I did not read them out of the New York Times.

Hon. Mr. Randall: You posed a number of questions, and, to make sure that we get the information you wanted, I have asked my colleagues to put them in chronological order. If the Chairman will permit, I will ask Mr. Goyette if he would read off the answers to these questions, and if there is anything further you have, we would be glad to answer them.

Mr. Goyette: Mr. Chairman, I hope I can say this with a little less passion. Somehow I got involved in that which a public servant should not do yesterday. If there are any members who might feel I spoke a little too vigorously, I apologize. I will just enumerate these things as they come up.

Mr. Bullbrook: You certainly did not with me, sir.

Mr. Goyette: Fine. I will just cover for you, on some historical basis, the facts as we have them, as they cover Sarnia, Sarnia township and Moore township.

Just in review: In Sarnia, under the old federal-provincial arrangements that you spoke about, at what is known locally as Coronation Park, there were 477 lots that were sold from 1951 to 1957 and there were 462 lots which were sold from 1957 to some time after 1963-1964. At the present time there are 4.8 acres left which cannot be serviced. This project generally was administered by central mortgage.

Now after we received a request for a survey of land, the Sarnia city council requested, in May 1968, the development of about 250 lots from the Ontario Housing Corporation. Our staff visited Sarnia and discussed it with the local municipal officials and there appeared to be, to both of us, about two possibilities.

First, there was the one that was mentioned yesterday and the suggestion that the city might expropriate a number of rear yard properties that had the potential of putting together, I believe, some 100 lots. But, as the local newspaper well recorded, the objections from those people who were involved were such that it was not considered feasible to go ahead.

We had another possibility and that was that there might be the purchase of some 33 lots, but unfortunately only 20 of those were available because the balance of them were under a conditional offer, and the amount at which they were being offered to us was \$6,500 a lot, and it was considered that under the circumstances that would not be very helpful.

Now in early 1968 the township of Moore, by a motion of council, instructed the clerk to request the Ontario Housing Corporation to participate in the construction of homes in that township, and the clerk-treasurer, Mr. E. C. MacDonald, fulfilling these instructions, forwarded to us a plan of a portion of a development of St. Clair Woods Development Limited, in Moore township, which was currently before the Ontario Municipal Board for zone amendments to reduce the minimum square footage from 1,100 to 1,000 per dwelling unit. The purpose of the amendment really was to provide homes within the \$15,000 limitation, which was part of the HOME plan.

Mr. Bullbrook: May I interject for the purpose of clarity? Am I correct in assuming from the file that St. Clair Woods had been

in touch with the corporation prior to any intervention on the part of the municipality?

Mr. Goyette: Yes, the first person who came was in—

Mr. Bullbrook: Mid-1967.

Mr. Goyette: Yes, mid-1967 approximately, and we were aware of it at the time. It was also indicated that the city of Sarnia—I am really trying to link it here for you—supported the programme for Moore township, as the city did not have a suitable site at that time to engage in a HOME programme.

Now the plan referred to above was part of a planned subdivision of some 550 lots owned by St. Clair Woods Development Limited. The purchase price by the Ontario Housing Corporation was \$4,200 per lot for delivery in 1969. Provincial Treasury Board approval, following a recommendation by the board of directors of the Ontario Housing Corporation, was obtained in December, 1968, and the appraisal, signed by a qualified appraiser, C. A. Piggot, and J. B. Gradewell, on August 13, 1968, indicated a value of \$4,400 to \$4,500 per lot.

Mr. Bullbrook: May I have those names, please?

Mr. Goyette: Yes, Gradewell and Piggot. You will find them, I think, in the file; their statement is on that file that is with you. These, incidentally, are appraisers of the Ontario Housing Corporation. One is our regular appraiser, and the other is the chief appraiser. At the same time, we had the knowledge, through conversation with Central Mortgage and Housing Corporation, that they had been using other lots in the area on earlier sales and appraisals of about \$3,900 to \$4,000, and today—at least, the most recent ones they have—they have not had that many at \$4,500.

The principals of St. Clair Woods Development Limited of 2180 Steeles Avenue, Brampton, Ontario, at the time, were reported as J. D. McKnight as president, M. J. Morgan as vice-president, and A. C. Burgess as secretary-treasurer. Prior to the Ontario Housing Corporation's purchase of the 50 lots, we understand that St. Clair Woods Development Limited was involved in a joint venture with Bramalea Consolidated to build and merchandise houses on some 30 lots under the name of Sarnia St. Clair Construction Limited.

The venture, which was considered to be unsuccessful because of unsold houses, was terminated. Our contract was with St. Clair

Woods Development Limited, who were the sole owners of the land, and no discussions whatsoever, to the knowledge of any of the staff people we have been talking to, were ever undertaken with any of the persons who were involved in Bramalea Consolidated.

Mr. Bullbrook: The address you gave previously in Brampton; is that concurrent with the address of Bramalea?

Mr. Goyette: No, Bramalea is right in Bramalea; they are on Bramalea Road, I believe.

Mr. Bullbrook: I see.

Mr. Goyette: This is in Brampton, and they are in Bramalea. It is in the same general area, but there are two addresses.

Mr. Bullbrook: For the sake of clarity, I had made the statement last night that I was called upon, in my legal duties, to forward documentation to Bramalea's office or its solicitor. Are you familiar, in your dealings with—

Mr. Goyette: It might be presumptuous of me to guess, but I would suspect, that from what I have heard at the table, you may well have acted as the solicitor in the mortgage transaction that took place on those lots, at a time when Bramalea was really the building arm, I believe, in this joint venture with the landowner, St. Clair.

Mr. Bullbrook: It sounds like a logical explanation to me.

Mr. Goyette: It was quite conceivable that the mortgage advances were going to the builder, rather than to the land people, but that would be a presumption.

Mr. Bullbrook: Yes, surely it would be. But I think it sounds, if I might say so, Mr. Chairman, like a logical presumption.

To your knowledge, or the knowledge of any of your colleagues, is there any other liaison of which you are aware between Bramalea and St. Clair Woods?

Mr. Goyette: To the best of our understanding this was a one-shot venture in that area. Bramalea, I understand, would be doing the building of some houses. These people were landowners. The two would get together and away they would go, but as you are, I think, aware yourself, and as I think you reported to us, it was not a very successful deal. There are over 30 houses, you know. There are different figures on whether there are half of them sold or all of them sold.

I think you made some comment of how we were doing and I think that was a significant question. Our first purchases, these 50 lots, were marketed on April 17, 1969. There was a 1,100 square foot restriction through local building bylaw. I had made the point earlier that there was some expectation that the bylaw might be changed to allow a 1,000-square-foot house rather than 1,100 square feet. When this was presented by the municipality to the OMB, the application was not successful.

So builders there have been unable to comply with the price limitations under the HOME plan, which I think you are aware of, for \$15,000 for a three-bedroom, \$16,000 for a four-bedroom, and \$17,000 for a five-bedroom, for the construction of the unit which goes on the land.

To overcome this, we have made some arrangements that we would raise the limits in this area in the same manner as we have done for the high-cost area of Windsor.

Mr. Bullbrook: May I interrupt for a moment? I had made the statement yesterday that according to my information there was one agreement of sale on the 50 lots.

Mr. Goyette: Right. Yes, there is one and so we have 49 left.

Mr. Bullbrook: Are there any offers to purchase in being of which I would not be aware?

Mr. Goyette: Not in being, but maybe I can just finish my comment to keep it in order and then I will be glad to follow it up.

My next point really was that it is not consummated. But we are already aware of one builder who has indicated to us that, under these conditions, he could build and that indeed he has mortgage commitments to back these up if we would make the lots available to him. Now this yet has to be checked out—

Mr. Bullbrook: Under the new financing scheme.

Mr. Goyette: Right. There was some question about the value. The current market value of the lots is estimated to be around \$5,100. We lease them at \$35.82 per month and we have a book value of \$4,525 on it.

Mr. Bullbrook: What is the foundation for the elevation in value? Is that an appraisal or do you use the word "estimate"?

Mr. Goyette: Yes. I would say that is an appraisal, but I do not have it documented.

It is an opinion of those people in the business.

To express it another way, the manager of central mortgage, with whom I was in touch, as you might expect, today, in just checking out my figures, has indicated to me that they would have a lending value of something in the order of about \$90 a foot frontage. Our lots here vary from about 55 up to about 65, so the lending value would exceed the amount at which we are leasing them.

Mr. Bullbrook: I want to question you here, sir, as a layman to a non-layman in the housing field. I cannot fathom how you could buy a lot 14 months ago for \$4,200 and that the market is so bad that you are able to sell only one out of 50 and it appreciates in value by some \$1,300?

Mr. Goyette: I thank you for your courtesy in the use of the words "layman", and "non-layman". I think there is a simple mechanical explanation, and that is, because of that limitation of 1,000 square feet and assuming a building cost of, what would you say, \$17 a foot—

Mr. Bullbrook: Your change of policy has elevated the value. It now becomes a more money marketable item because of the change in financing policy.

Mr. Goyette: No, I do not think that it has changed the value, with respect. If there were mortgage funds available and there was a very buoyant market and all the factors were going that way, I do not think we would have much trouble disposing of these lots, probably at that price.

However, the change in policy does not make it feasible and possible for people to build houses on there.

Mr. Bullbrook: Recognizing our respective objectivity in this connection, is there no merit in the position that I take—that one of the criteria, if not the main criteria, in acceleration of values, is the change in your own policy?

Hon. Mr. Randall: Brought about by OMB approving the fact that we could put in, on those lots now, a house of 1,000 square feet. Am I right?

Mr. Bullbrook: No, I do not think so.

Mr. Goyette: I would like to conclude the argument this way. I think the point probably is irrelevant because we are going to lease the lot at our book value, which is something

in the order of \$4,525. It does not really matter what the value is unless it was considerably below, and then we might as well be responsible for renting at something higher than it should be on a lease basis. I was rather satisfied that the market value would be at least \$4,500.

I think that would be the story as far as Moore township is concerned. We might have a comment to make now about the negotiations which we are involved in.

Mr. Bullbrook: No, I do not want to know about that.

Mr. Goyette: I was reading about it in the paper and there was some remark, I do not know, that we are going to pay something like \$4,500, \$4,700, a lot and we could have bought it for \$1,000. I think that would be in the newspaper report that I read this morning.

Mr. Bullbrook: No. Just one moment, if you would, Mr. Chairman, I cannot be responsible—

Mr. Goyette: As long as you are satisfied.

Mr. Bullbrook: No. May I say this and I try to make it amply clear. In my intervention in these debates, I do not want in any way to affect adversely negotiations by any constituents of mine, of which I have no knowledge. Do you follow me? Do you understand what I am saying?

I used that only to introduce to this committee that there was adjacent land available that I wanted to get into that discussion.

Mr. Goyette: As long as I may leave the impression, in case there was any area of doubt, that we do believe we have a very satisfactory arrangement on the border of the city of Sarnia. Both the city and the township are very pleased and have encouraged us. Our purchase has been very attractive and I think that should be to the benefit. We will then need, I think, which was one of your questions here—

Mr. Bullbrook: That is right.

Mr. Goyette: We will then need some of the 500 lots when they ask for 250.

Hon. Mr. Randall: That 108 acres is owned by Brockfield Investments. Lewis Berger is president, I believe.

Mr. Bullbrook: I did not ask. I surmised who might have been president. Would you permit me now to get into discussion with

the minister and, I am sorry, sir, I did not get your name?

Mr. Goyette: It is Paul Goyette.

Hon. Mr. Randall: An Irishman.

Mr. Bullbrook: An Irishman? *C'est un bon français.*

Hon. Mr. Randall: You are at home, go ahead.

Mr. Bullbrook: I am glad that the corporation is serving the need that the minister brought to my attention in his letter which I read yesterday. At that time he called it an acute shortage and required 250 fully serviced lots. One has to conjecture, if I might, Mr. Minister, that since you did have the offer, that I had recorded at that time, of lots on the very periphery of the city, why you took this length of time to avail yourself of this opportunity.

My concern, however, and the main burden of my question—

Hon. Mr. Randall: May I ask, were those the lots that were offered to us at \$6,500?

Mr. Bullbrook: No. Those are the lots that were offered to you unserviced at \$1,000 a lot. Unserved.

Hon. Mr. Randall: Raw acreage?

Mr. Bullbrook: Raw acreage. If you recall in my letter to you, I had said that I know nothing about lot land banks. Do you recall, I read that? I was holding no brief, nor do I hold any brief for any particular company. My main concern in this connection is the expertise put forward by the housing corporation in connection with the needs in our area.

What I have to ask you, of course, is this. Did you make yourself aware of how many of the 550 lots, developed by St. Clair Woods, had been sold prior to your coming into the picture?

As a layman, I would say to myself, if I am going to buy land that I want to make available to the public to serve a need, then one would hope that there had been a public response to the original entrepreneur's offer. I wonder, how many lots, for example, when you bought this 50, had been sold of the 550? Would you know that?

Mr. Goyette: No, we would not because I think if we get the base right, these would really still be under construction, would they not?

Mr. Bullbrook: No, I do not think so.

Mr. Goyette: The sales position really only became evident in the last six months to a year.

Mr. Bullbrook: Oh no. That is far removed, **Mr. Goyette—**

Mr. Goyette: All right, then the next point—

Mr. Bullbrook: —because in 1966, we know that Bramalea and St. Clair in September of that year put together a joint venture for construction purposes. The purpose of that venture, I am led to believe, was to act as a catalyst toward the very sale of the lots. So that we know that in 1966 they were having difficulty in selling their lots.

Mr. Goyette: As we looked into it, and as we were aware of what other lots were available, there was raw land at \$1,000 an acre, just as only this year we picked up this raw land which will be less than \$1,000 per lot raw land. It is a question of having lots available which were not part of the programme at that time on a serviced basis, which we could go ahead and operate under the HOME plan.

Mr. Bullbrook: We will get to some essential questions, then.

The first one: Did you regard the purchase of these lots in this area as serving the need exemplified by the minister in his letter to me? That is the acute shortage of lots in Sarnia.

Mr. Goyette: First of all I must, as I give you my answer, record to you that I personally was not here. With respect, I would like to do this—

Mr. Bullbrook: I am sure—

Mr. Goyette: —but in terms of our staff discussion and so on, to be perfectly fair and honest with you, no, I do not think that 50 lots would satisfy the need for 250.

Mr. Bullbrook: Was it toward the need?

Mr. Goyette: It was an attempt toward the need.

Mr. Bullbrook: That is what I want.

Mr. Goyette: It was, let us say, almost the best we could do at the time. There were no other offers. I suggest to you, though, that that seemed to be known to us after the time—the 30 lots and the backyard stuff in our discussions with the local people, Mr. Givens and the others.

Mr. Bullbrook: You had communications—

Mr. Goyette: We had no other serviced lots that we could—

Mr. Bullbrook: You had a resolution on August 14, 1968, from the Sarnia city council saying that if you would entertain liaison with Brockfield at that time, they would project their services forward for you.

Mr. Goyette, let me say this, the problem that strikes me is this: We are a corporation whose duty is—and we hope whose attitude is, and I am sure it is—to service the needs of the people in the housing field. I accept that this is your attempt. I again wonder how you are going about this attempt, because in August you had the offer from Brockfield and the city of Sarnia. Then you have a concurrent resolution of the city saying it would project its services out there as expeditiously as required to develop that land.

Instead of that we go down and buy serviced lots, and I use the phrase “nine miles.” I might be exaggerating. How far is this subdivision from Sarnia? Can somebody help me? Is it six miles or seven miles?

Mr. Goyette: It is at Coronna.

Mr. Bullbrook: We will say seven miles for the safety of not exaggerating. So you go down and buy these 50 lots. Now the things that cause me concern are these:

You go in there and you buy these lots, according to your own information, recognizing that to do the job that you want, you require a bylaw change. And you do not get the bylaw change, which you know is a condition precedent to carrying out the fulfilment of the very obligation you are trying to fulfil. I wonder then, why the corporation—I, as a lawyer, advising a business person in buying lots having regard to the purposes manifest in purchasing them—would not say, “Do not buy these lots until you get that bylaw changed.” That would be the first thing I would think of.

The second thing I would think of is that I would want to look at the history of involvement of the developer who owned the lots. Is he trying to pass something off on me? Has he got a history of sales himself, Mr. Chairman and Mr. Minister? This would be a criterion to me, that this is attractive to the public, and I put it to you that this situation was, that they were having one difficult time in marketing their lots, that they, in effect, have chosen on an ill-founded premise and that the corporation should have looked into this. It was not just a situation for the corporation to

go out and say: "We will buy lots in the Sarnia area to serve the need".

First of all I query whether the need was served and I substantiate that query by the fact that only one lot is sold, notwithstanding the other collateral difficulties. This is why I raise the matter, and as you know, Mr. Minister, I did not raise it last year when it was before me. As I said yesterday, I did not raise it last year because the corporation might well have been doing the appropriate thing. But I felt, in conscience, this year, sir, I had to raise it when only one lot was sold. Just where are we going? Where is the corporation going?

Hon. Mr. Randall: May I just make one comment here? When the HOME programme was introduced, many towns wanted a HOME programme as fast as they could get it and in our good judgement we looked over these lots and felt they were worth the kind of money we were paying for them, regardless of who sold them. In most instances we had no—perhaps we should have had—but we had no reason to believe that the 1,000 square foot house would be rejected and that we would have to go to the OMB to get that approved.

Nor did we have any reason to believe that that existed perhaps in the township of Sarnia, or the city of Sarnia.

But as a rule we had no difficulty in getting those changes made once we were going to provide housing, whether it be one house or 50 houses or 500 houses. I think the corporation acted in good faith in trying to provide housing in the area of Sarnia, hoping that through the HOME programme—where we were going to guarantee a \$15,000 house on a lot that we paid \$4,200 for, I believe, at that time—that we were going to be able to supply a home to the people in Sarnia and indicate to the builders in the town that we would build homes under the HOME programme, under the HOME guidelines.

Mr. Bullbrook: It is easy enough, sir.

Hon. Mr. Randall: We were not able to do it because, as you say, since then the bylaws have been changed and we can do it now. Perhaps we are a year ahead of ourselves.

Mr. Bullbrook: When was the bylaw changed?

Hon. Mr. Randall: As I understand it, you have them changed now?

Mr. Bullbrook: No.

Mr. Goyette: The rule is changed to accommodate—

Mr. Bullbrook: The point is, and we have got to get this clear on the record, the bylaw still is not changed.

Hon. Mr. Randall: The guidelines have changed so that we can meet the bylaw.

Mr. Bullbrook: Yes, but Mr. Minister, those are your guidelines. You changed the rules to suit. This does not answer my problem, if you change the rules on an insular basis, and that is what you have done. You have said: "We are having trouble marketing these lots in that development, so we will change our own rules."

Hon. Mr. Randall: No, let me just point out to you that when we built in Bramalea we stuck to the \$15,000 limit for a three-bedroom house and then we were getting calls, from Ottawa particularly, stating that there are larger-sized families up there and a three-bedroom house was absolutely useless to most of the people living in the city of Ottawa.

The same thing, I believe, happened in Windsor and then we changed the rules of the HOME programme to provide four and five bedrooms. When we did that, in all conscience we had to do the same thing for any other town. Now, we looked at Sarnia and said there is a problem there that perhaps we can overcome if we increase the bedroom count, and we did what we thought in our good judgement made the change in order to provide the housing on a lot that called for 1,100 square feet.

I do not think we can be faulted for meeting conditions. I can point out to you that we went up into the town of Arnprior, where we had lots at \$5,000 a lot, and it was obvious we were never going to sell those lots. We went to the town council with my hon. friend here, Mr. Yakabuski, and we convinced the town council that nobody in town could afford that kind of lot or a house that went on it, and we had them rezone it for condominium row housing and it has been very successful.

There is one thing about the housing corporation; you will find if you do business with it long enough we are very flexible and I think this is the way we have to be. I think right here we have shown we are flexible. I do not think there is any way you can fault the housing corporation for making the lot match the HOME guidelines if we can pos-

sibly make it, particularly when we have bent the rules for other areas of the province.

Mr. Bullbrook: You cloud the issue, perhaps innocently, sir. I am not faulting you for changing the guidelines. The fact of the matter is you are in the happy position of changing the guidelines to suit your purpose.

Hon. Mr. Randall: We achieve the end result.

Mr. Bullbrook: But you do not achieve the end result. You might achieve the end eventually, but that surely cannot placate your conscience on these matters?

Hon. Mr. Randall: Oh, I tell you, I sleep pretty good at nights. Do not worry about my conscience.

Mr. Bullbrook: That is right, I am sorry. Nothing exists in a vacuum, you are quite right.

The point I make is, sir, that the accretion in value that you speak of must be attributable to a great extent to the very changes in policy that you are the authors of. But what causes me concern is this—and I return to it—that the corporation would see fit to buy these lots, recognizing the bylaws problems they had, because the corporation obviously did not look into the marketability of the lots themselves—and interject if I am wrong, Mr. Goyette.

Mr. Goyette: I think then the main point here is that we were satisfying, in this purchase, the request of the township of Moore, not the city of Sarnia, and therefore where else could one get serviced lots in that township at that time?

Mr. Bullbrook: Have you done a study of the township?

Mr. Goyette: Our people have been through it, but I will have to admit I am not terribly well versed.

Mr. Bullbrook: What was the need in the township of Moore at that time?

Mr. Goyette: Fifty lots.

Mr. Bullbrook: Fifty lots?

Mr. Goyette: Yes.

Mr. Bullbrook: How do you explain the fact there was a need for 50 lots and you have only sold one?

Mr. Goyette: I explained that before.

Mr. Bullbrook: No, no, just hold on, you have not covered that.

Mr. Goyette: It is a question of the size of the house. We have another municipality where we have exactly the same thing. We may not come out of it, you know, as well.

Mr. Bullbrook: Yet you are the ones who bought the lots. Surely to goodness this is the point that must be made? Right? When you are going to serve a need, you have to buy the lots to serve that need. You cannot come back afterwards and say, "Well, we were in trouble because of a bylaw."

The point I make there is, if there is any validity—and there probably is—in the restriction put upon you by the municipal bylaws, who in heaven's name was ever advising you when you bought those lots? Surely they must have told you that the very lots could not meet the criteria then established to serve the need required under the study?

Mr. Goyette: We got some advice from the municipality—

Mr. Bullbrook: That they would change their bylaws?

Mr. Goyette: That they would change their bylaws.

Mr. Bullbrook: Did you get advice from the OMB that they would concur in this?

Mr. Goyette: I made some comments on the municipal board earlier this afternoon, before you came in, and I think it would be most inappropriate for us to do that.

Mr. V. M. Singer (Downsview): I am sure Mr. Kennedy would be glad to give you an advanced opinion, too.

Mr. Goyette: So we think we have a good deal, and we will be meeting income groups of under \$9,000. We still will be putting houses up on deals better than anybody else in the area. And if there is any harm we may do—we certainly will not be of any help to the adjacent landowners—we may not be in the position to lease lots.

Mr. Bullbrook: Those are, I say respectfully, of course, collateral platitudes.

May I suggest this to you, Mr. Goyette: Does the corporation ever deal in options or conditional offers in situations such as this? You have expended \$210,000 from the public purse and, as that money is expended and the lots are not sold, there necessarily are carrying charges, and one wonders whether

you have ever entertained the idea of getting an option on these lots to fulfill the requirements, thereby not tying up this amount of money and thereby not adding to the total value of the lot and adversely affecting the people who want to buy them?

Hon. Mr. Randall: May I point out to you that we have had options on many lots that we have acquired, and may I also point out that until we acquire some of this land and, let us say, the people come out of the woodwork and tell us what is wrong with it, we do not know what the bylaws are. For instance, we have just got—

Mr. Bullbrook: You do not know what the bylaws are?

Hon. Mr. Randall: Wait a minute now. We have just gone through since 1967—your friend on your left there—

Mr. Bullbrook: He is not my friend.

Hon. Mr. Randall: —has been chiding me—

Mr. Bullbrook: Oh, I am sorry.

Hon. Mr. Randall: —about Malvern and Chapel Glen and all the other areas, and until we acquire an ownership or an option on those lots, we do not know what people are going to object to. I do not think the corporation is in any position to say it has bought a piece of property and there is nothing wrong with it; we can check it out today, and tomorrow somebody will come forward with an objection. We have to take some risks.

I have said that, as far as I am concerned, you can take all the risks in the world as long as it winds up as a good deal for the guy buying the home and as a good deal for the taxpayer, and I do not think we have anything on our books that has not been a good deal.

Mr. Bullbrook: Mr. Minister, you and I are having a wonderful parliamentary relationship, and I intend to keep it that way. May I say to you, and I invite your consideration of this, I want to talk about this deal here; I do not want to talk about Malvern, because they are entirely different things.

The point is this: I recognize that the corporation in some circumstances, for example Kitchener-Waterloo, must go in with some degree of—I was going to use the word intrigue; I do not mean that—lack of public show, to acquire options, make conditional

offers and so on. Let us talk about this subdivision of 550 lots they are just begging to sell. Okay? Because that is what the situation was; they could not market them.

The point I want to put to you is, did you ever consider going in and saying to St. Clair Woods, "We will take an option for a year so that we can settle our difficulties," because what causes me concern is that we spent \$210,000 of public money, as I said before, and that in effect has been lying fallow—right?—when in these circumstances I think we could well have gone in and dealt with St. Clair Woods.

I want to ask you if there is anything in this file that shows correspondence with St. Clair Woods suggesting an option or a conditional offer until these things were rectified. And I say to you, sir, that should have been rectified, because this question of the bylaw cannot be sloughed off. You must have available to you talent that says, "We can only build a certain-sized house under their bylaws." That is one of the most fundamental obligations of a lawyer and, I would think, of the corporation. So, is there any correspondence dealing with a conditional offer?

Hon. Mr. Randall: Unless you have got it there, I doubt it.

Mr. Goyette: I do not know if there is any correspondence, but—

Hon. Mr. Randall: I am sorry, I thought you—

Mr. Goyette: —certainly there was in the offers, both written and verbal, in which the staff would be dealing with the people in the area. It would always be conditional until we would have our approvals, and this arrangement here has been followed strictly by the staff in our land development group, who took it through all the normal processes in acquiring it.

On your point as to whether we should have got a conditional arrangement subject to OMB approval, I do not know. Personally, I would say to you now, if I was involved in a deal and I had a second chance—and I do not get second chances very often in our 60 municipalities around Ontario, and this is Monday morning—I think I would say, "Let us make sure it goes through." There was some real confidence that it would go through, because we did have a resolution of the council of Moore indicating that they would support the change in bylaw before the OMB,

and thus far that kind of support has been fairly useful, and it usually came through.

Mr. Bullbrook: Yes, that was—

Mr. Goyette: No, I am sorry. I do not very often get the opportunity here. There was also the expectation, notwithstanding whether it was \$1,000 or \$1,100, that there may well have been houses built on it within the \$15,000 or \$16,000 limitations. That has not turned out because of the high-income area of Sarnia, which you would know more about than I would.

Mr. Bullbrook: And which you should have known about as a result of your survey of the area, of course.

Hon. Mr. Randall: We stand reprimanded then, Mr. Lawyer.

Mr. Bullbrook: No, I am not acting as a lawyer here; I am carrying out my obligations.

Hon. Mr. Randall: You are kidding us.

Mr. Bullbrook: I am carrying out my obligation to the people as well as I can.

Interjections by hon. members.

Mr. Bullbrook: That is it entirely. The situation is this—and I will encapsulate it in this comment, if I may—I appreciate the co-operation given to me by the minister. I am not at all content that my comments relating to malfeasance, misfeasance or non-feasance on the part of the corporation have not been justified, having regard to what I have heard.

I really feel, Mr. Chairman, that this corporation, in going into this venture, should have looked at these collateral problems they knew existed and they should have protected the public purse concurrent therewith. I feel also that I have not been entirely satisfied that there is not a liaison with other people with whom this corporation has dealt in the past.

In that connection, I do not intend to pursue it any further.

Hon. Mr. Randall: You are not suggesting there was criminal offence?

Mr. Bullbrook: No, not at all, for goodness' sake.

Hon. Mr. Randall: I just wanted to make sure. The press is in the back of the room and I just wanted to make sure you are not accusing anybody of a criminal offence.

Mr. Bullbrook: Certainly not.

Hon. Mr. Randall: All right. I just wanted to make sure.

Mr. Bullbrook: Why do you raise—why do you—

Hon. Mr. Randall: You talk about malfeasance and a few other things—

Mr. Bullbrook: All right, all right.

Hon. Mr. Randall: In the legal tangle, I wondered what it meant.

Mr. Bullbrook: Just hold on then and I will tell you.

Hon. Mr. Randall: Yes.

Mr. Bullbrook: You are either negligent—have you got that?

Hon. Mr. Randall: Yes, I have got it.

Mr. Bullbrook: You do not know what you are doing, is the second thing, or you are ulteriorly motivated, that is the third thing. Did you get that? Did you get the explanation there of what that means?

That is what I mean, and if the public was here judging this, I would suggest they would come to the same conclusion.

Hon. Mr. Randall: I think the people in Sarnia would pin a medal on us.

Mr. Yakabuski: Mr. Chairman, I rise on a point of order.

The members of this committee have a right to know some of the other circumstances. In this case I do not know the name of the town in which this development was to take place.

An hon. member: Moore township.

Mr. Yakabuski: Moore township. What I want to get straight in my mind, Mr. Chairman is, at the time this development was conceived, and the survey was taken, was there a housing need in the city of Sarnia?

Hon. Mr. Randall: Yes.

Mr. Yakabuski: And was this development actually geared to take care of that need?

Hon. Mr. Randall: Part of it.

Mr. Yakabuski: It could not have been.

Interjection by an hon. member.

Mr. Yakabuski: I am asking the questions now. You had the floor for an hour.

Mr. Singer: He got in on a point of order. What kind of a point of order is this?

Mr. Singer: He got in on a point of order.

Mr. Yakabuski: I want to clear things in my mind.

Mr. Chairman: Just hold on. Points of order, as I understand it, usually deal with misrepresentation.

Mr. Yakabuski: At no time in your remarks did you dwell on the housing need in the city of Sarnia.

Mr. Bullbrook: I rise on the point of order.

An hon. member: Well, he was out of order.

Mr. Bullbrook: Would you please tell me, sir—I do not want to restrict him—what his point of order is?

Mr. Yakabuski: I will tell you what my point of order is. Nowhere during the course of your remarks did you dwell on the need for a housing development in Sarnia. And all the time, in my mind, I am thinking this housing development is proposed for some village, or town, or municipality some seven miles from Sarnia.

I do not know what the problem is. It should be ideal to take care of these—

Mr. Bullbrook: Now, that is completely wrong. That is not an innocent misrepresentation. You know, I read the correspondence from the minister yesterday about the need for a housing—

Mr. Singer: To the minister.

Mr. Bullbrook: From the minister. I read it yesterday. I put it on the record: "The city of Sarnia, as you well know, is currently faced with an acute shortage of land. Our survey indicated that the city requires some 250 fully serviced lots."

Mr. Yakabuski: I did not bring up the question of the need.

Mr. Bullbrook: Now, if you want to take up the question as to whether this acquisition serves the need, I am prepared to join in the debate. But surely the rules are not going to be that, if you put a question to him and if I do not like the answer, I cannot intervene myself in the debate.

Mr. Yakabuski: I did not say that.

Mr. Bullbrook: All right. Okay.

Mr. Yakabuski: But we want to establish in our mind some of the circumstances surrounding this particular case.

Mr. Bullbrook: I thought I came across quite forthrightly in this capacity.

Mr. Yakabuski: No. Maybe I owe you an apology. In the first instance, you did mention the housing need in Sarnia, but nowhere else throughout last night when you talked, and again this afternoon, did we get to that. Actually you have got to get to the core of the matter.

Mr. Bullbrook: We did.

Mr. Chairman: Let us cut it out. Let us go to the next speech.

Mr. Singer: That is a brand new point of order, that one.

Mr. Chairman: Let us just discuss Toronto for a few minutes. We have got the member for Parkdale over here.

Mr. Peacock: Why Toronto?

Mr. Trotter: I do not know. He made an assumption that we would discuss this subject of Toronto. I will leave Moore township to the member for Sarnia, who did a very excellent job.

An hon. member: That is only one man's opinion.

Mr. Trotter: Well he established a certain amount of negligence on the part of Ontario Housing Corporation, in my opinion. Mr. Chairman, I am not as sanguine about the housing situation in Ontario as the member for Renfrew South is. He is very complimentary toward the Ontario Housing Corporation, and, unfortunately, such organizations as the Canadian Welfare Council. I do not think I share this sanguine opinion of the member for Renfrew South, either about the situation in Ontario or, for that matter, all of Canada.

About two years ago, there was a housing conference in Ottawa. Since 1968 the housing situation in Ontario, as well as in the rest of the country, in terms of rent levels, in terms of vacancies, in terms of the demand for housing, be it public housing or otherwise, has become worse despite the fact that the minister may set forth what accomplishments he feels he has made. There is no question that we are falling behind in trying to supply proper housing units for the people of the province of Ontario.

Hon. Mr. Randall: You must admit it was not helped by Mr. Hellyer's actions.

Mr. Trotter: You see; here we go back to trying to pass the buck.

Mr. Yakabuski: It is a whole year out of the housing programme. I just want you to know that.

Mr. Trotter: Well, I am aware of various opinions.

Mr. Yakabuski: A whole year. Never dug a hole!

Mr. Trotter: But I want to say this, that the Ontario Housing Corporation is almost completely dependent on the federal government for any progress that has been made, which is, I will admit, the trouble. I will go along with that because I think the Ontario government is in a position to give leadership. If we ever have a proper federal housing programme in this country, it is going to cost Ontario even more money because the truth of it is—in fact, the member for Renfrew South mentioned it—what are these other areas going to do?

The only answer most of these provinces are going to have is that the federal government will eventually come to the rescue. The tax money to pay for that is going to come from three places—British Columbia, Alberta, and the province of Ontario. If we, on our own, do go ahead with a more vigorous housing programme, we can do more for ourselves in many ways than we can in being dependent on what the federal government does.

Certainly, you have got to have the co-operation; it has got to be a partnership. But there is no question in my mind that Ontario could be a far more vigorous partner. The main reason, of course, Mr. Chairman, that 93 per cent of the mortgage money available from Central Mortgage and Housing comes to Ontario is that this province is one of the very few provinces that are able to match up to the federal portion of the money. It is simply because we have money that we are able to get the larger funds.

This is to our advantage and I would hope that our advantage would be used for ourselves.

I bear in mind that in doing so we house, certainly in a metropolitan area like Toronto, a proportion of people who come from outside the province. There is no question that we do this. We do it simply because people are attracted to the prosperity that, by and

large, is in the province of Ontario, despite the problems that we do have.

Mr. Chairman, I would like to ask a few specific questions of the minister. First of all, in regard to public housing, what rule of thumb do you use in constructing a public housing complex? Do you attempt to limit yourself to any particular number?

Hon. Mr. Randall: You mean in a given area?

Mr. Trotter: In a given area.

Hon. Mr. Randall: I think when we first started out the main thing was to provide, as I said the other day, residential accommodation for people in need as fast as we could get it in any area. But we recognize the problems that are created when we have large housing projects. Again, I must refer to Regent Park and perhaps a few others.

The objective has been, in the last few years, to try to spread these projects around the various municipalities on a much smaller basis with lower concentrations of people. This has also caused some problems and you have already heard about community facilities. I think this year, keeping in mind even the smaller project, you are going to have the same number of problems. You must have the community facilities—which, again, is almost a third phase we are going into—to provide accommodation for people, low-income people, in smaller projects where we can find sufficient land.

Mr. Trotter: I had been under the impression at one time that the Ontario Housing Corporation was going to try to limit public housing complexes to about 200 units. Did they even plan that? Did they ever intend that?

Hon. Mr. Randall: I think that was Mr. Hellyer's point of view but not ours. We have had smaller units, of course, fewer numbers than that in smaller communities, as you recognize. Even Mr. Hellyer, I think, when he worked on the deal that we had provided Ottawa with—how many units did we provide up there? There were 250 there, half-rent, half-sale—that is, I think, on the order of what Mr. Hellyer was talking about.

Mr. Trotter: I know recently that there is a project in Metropolitan Toronto, I think out in Scarborough, in the Galway-Kingston Road area. They have 500 units. That includes of course, approximately 180 units for senior citizens. But, when would a project like that have been planned?

Hon. Mr. Randall: Plus some town housing. Oh, I guess it would take over the last two years. Would it not?

Mr. Goyette: We have not bought it.

Mr. Trotter: You have not bought it yet?

Mr. Goyette: It is a proposed—

Mr. Trotter: It is proposed and it is in the area of 500 units?

Mr. Goyette: Four hundred and sixty-one.

Hon. Mr. Randall: Including the—

Mr. Goyette: Townhouses.

Hon. Mr. Randall: The townhouses and the senior citizens.

Mr. Trotter: I was wondering, Mr. Chairman, would it not seem to be more reasonable that the corporation, through building the same number of units, instead could spread them, instead of building just one more complex?

Hon. Mr. Randall: It is a good idea, if you can find the land and this has been the major problem in the urban areas. We are able to do that in the smaller towns, but in the urban areas it is almost an impossibility. If you are going to have a project offered to you, as a rule it is a big project.

I might just come back and point out what was happening down here, as I said, on Bain Avenue yesterday. I think there are 400 units in there and there are 1.5 children per unit. You and I know that 1.5 children per unit is not a major problem, but maybe some families have five or six youngsters and these are the ones, maybe, of the 12 or 13 families in the area, that are causing most of the problem. They may have the bigger families and these are the youngsters who may be throwing the garbage over on to the next door neighbour's lot or knocking down his flower beds.

But even in any concentrated area like that, we would not think that 1.5 children per family would be too heavy a concentration. I think we were accused here of having 10,000 kids up in Etobicoke, which is completely unrealistic. We did nothing of the kind.

Most of that development was up before we ever went there and our development was a very minor one, in view of the land we

owned compared to the number of children who were going in. But unfortunately, whenever there is a problem with youngsters, they always look to the housing corporation and say that we bring them all the problems.

I know that we bring a number. You cannot put people into an area without creating problems. But, give a dog a bad name; we get blamed for a lot of things we really are not responsible for. I am talking now about the social problems of people.

It is very difficult for us to say, "Well, we are going to build half a dozen houses here and half a dozen houses there," because the land is not available. The cost would be almost prohibitive. Again, some of our friends in the House are saying "Well, we need more social workers for these people, we need more day nurseries, we need more playgrounds—"

Mr. Trotter: Is that not true?

Hon. Mr. Randall: I do not know how you provide them if you take these people and scatter them all over; then, I think, you could do without those facilities and without those social services and turn them over to the Salvation Army or somebody else. I am not trying to be facetious. I am just saying that, if the people are in an area, I think we can probably render them more services than they can get if they are spread.

That is a moot point and we will probably get an argument on it, but we have tried to look at all the difficulties of concentrating people or scattering people. I think we have a scatter programme right now, as much as we think we can get.

Mr. Trotter: Even if you build a low-rental complex, let us say, even 200 units—and they seem to average about 1.5 children per unit—surely you have got enough children there for a day nursery, even a small one. Surely you must have.

Mr. Chairman: Does the member for Parkdale want to go on tomorrow? It is 6 o'clock now.

Mr. Trotter: It is 6?

Mr. Chairman: Yes. Do you want to go on first thing tomorrow at 3.15? We will adjourn until 3.15 tomorrow.

The committee adjourned at 6 o'clock, p.m.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION
Third Session of the Twenty-Eighth Legislature

Thursday, May 28, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

THURSDAY, MAY 28, 1970

The committee met at 3:15 o'clock, p.m., in committee room one; Mr. D. A. Evans in the Chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

On votes 2209 and 2210:

Mr. Chairman: The meeting will come to order. The hon. member for Parkdale.

Mr. J. B. Trotter (Parkdale): When we adjourned, Mr. Chairman, late yesterday afternoon, I was asking the minister if there was any way to limit the number of units. I thought at one time that when they put up a public housing complex, they would try to limit it to 200 units. Of course, I know they are much larger than that. Is there any hope that they will be limiting the size of them? For example, the most recent one is the project under way at Galway and Kingston Road, with 500 units. Is there any way to limit the size?

Hon. S. J. Randall (Minister of Trade and Development): I do not think there is too much, except what I suggested yesterday. Perhaps you would like me to make a comment. You people are looking to the land in the urban areas where the greatest housing need is, and as I pointed out, we have housing up in Edgeley village here and we had to call six people before we could get somebody to go out there. As I said earlier, we do not fault these people, because they are working in Scarborough and living in Edgeley, and I can understand the cost of transportation, if they have a car or do not have a car.

We are not placing any responsibility on the applicant who turns us down. I just said we are trying to get them a place to live in the area where perhaps they work in order to save transportation costs. The big thing in the city is to find land sufficiently-enough land, I should say—to divide it up into smaller units to take care of these people.

Perhaps you would like to add a comment?

Mr. P. R. Goyette (Ontario Housing Corporation): Yes, Mr. Chairman.

We would prefer, in many ways, to have them smaller. It depends very much on the size of the municipality. In the smaller municipalities, we think in terms of senior citizens at one extreme; we try to get them buildings of 10 and 12 units and that size. If we get one at 100 units in a very small community, it would be by far the biggest building.

As you get to the larger municipalities, I think, as was mentioned by the minister, you then run into the question of land costs and total costs. Indeed, our problem right now is that notwithstanding some of the proposals we have been receiving are large in the number of units they have in them, they are still too expensive to be acceptable in our federal-provincial relationship.

In other words, Central Mortgage and Housing Corporation, just in the last month or two in our discussions, is becoming somewhat concerned that the price is getting too high, that the subsidy that goes along with it is becoming high; and so, what are you going to do to keep the costs down?

The next point I might add is that, particularly in Metropolitan Toronto—and I think that is your area of concern—one cannot just go out anywhere and say, "We are going to put a project here". As you know, the location of a public housing project is one which must be approved by the Metropolitan housing committee. It has a relationship with the schools; is the density too high; is it acceptable, and this kind of thing.

The other factor, I might add too, is that there are times when having a large project is to our advantage. It allows us a little bit more in having the social amenities and those other recreation facilities that we have been talking about for the last few days, distributed over a much larger number of units if it is feasible to fit in within the project. It is also an advantage in the larger projects that we

can probably accommodate within the area—and successfully—units for two bedroom or less.

As you may know, our waiting list has in it a very high percentage of those people whose needs are for two bedrooms, one bedroom or a bachelor; I think the figure is something in the order of 60 per cent. So a small bedroom count unit is not necessarily a bad one for the large projects. This is an area for debate, an area for discussion. People have various views on it.

If indeed the project brings too high a concentration of people, then this is not necessarily a good thing. It depends so much on its location. I do not think the public opinion that is sometimes expressed is necessarily a by-product of the size.

Somebody just handed me a note from the paper last night that up in Winfield Farm, where the housing is of a very high order, very high-priced, even other high-priced housing is of concern to them. We have been asked this in various cities and we have tried to have a distribution.

In the city of Ottawa—on which another member made some comments, and in which I think you participated—our projects vary in size from 10 units up to about 250, and there is one of 420 that is under consideration. The justification of that was the possibility within the cost structure of being able to build a separate community facility outside the building of something in the order of 1,300 to 1,400 square feet. The main reason for the size of the units is essentially the cost per unit.

Mr. Trotter: I want to give a couple of examples why I think the policy is wrong, and I include in my criticism the federal government, because I realize that they came toward large units simply for economy. My argument is that in the long run it is going to be far more costly socially in building these great ghettos.

The argument might be that if we have enough units, we can provide a number of the amenities of life. In the first place, if you have a relatively small unit built into the community, the children can become part of the community. They grow up as part of the community, not as subsidized housing tenants, but they can use the Y, they can use the local churches, they just become part of the community if you have a small unit.

In my own area, I have Pelham Park Gardens, which I think has been highly successful, and I think it is one of the better

efforts that Ontario Housing Corporation has been able to carry on. One of the reasons is that in the town houses, there are only about 103 of them. There is a high-rise apartment right nearby which is really part of the community, but for the most part they tend to be mostly senior citizens in the high-rise and also some young couples who are just married. There are also families, of course.

There tends to be a difference between the high-rise and the town houses. The town houses have a certain *esprit de corps*, one of the best I know of in Ontario Housing. One of the major reasons for it is this: It is relatively small with only 103 units. It started off almost in the very beginning in 1968 with, I think, a pretty good tenants' association. I have been up there on occasion, and I will say something good about Ontario Housing: The area supervisor—I think it is Mr. Black—takes a real interest in the area, and as a result this shows that the type of personnel you have dealing with the tenants makes a tremendous difference.

I know, for example, Mr. Chairman, when the tenants first moved in, they were concerned because whenever there was any trouble the parents thought that their kids got the blame from the police for anything that went wrong in the area. So, I phoned one of the police inspectors and they made arrangements and talked to the parents, but it was all because they had a tenants' association that they contacted the police, the teachers, the principals. They really are a community.

I think a large part is because they are not too large and I have been impressed with the *esprit de corps*. The tenants will go around themselves making sure that the garbage is placed in the proper way, and that the kids are in off the streets at a certain hour. They do that themselves and they do not need any government looking after them, which is most encouraging. But you do not get that same *esprit de corps* when you have these great buildings with a tremendous number of people. They just do not get to know each other; they do not have the same friendships, and by and large it ends up in police problems and social problems and very little opportunity for the people to have a community life or even to get into middle-class housing.

Just before I pass off from Pelham Park, Mr. Chairman, I would like to use this again as an example of the errors that can be made in building and improvements that can be made. The vast majority of people I have talked to who are tenants in the Pelham Park

project are pleased with it. I think it is an excellent place, and that is why they take an interest in their lawns and the fences they are putting up and everything else. But there is one thing: When that was planned, it is highly ridiculous in that when they go down into the basement, there is no outlet in the basement—no windows, no doors, and of course you would not necessarily expect a door but you would expect windows. As a result, if you go down from the kitchen into the basement and if there is ever a fire in the kitchen, the person is completely cornered down in that basement.

I took an architect up there with me to check the place over, because I did not believe them when they first told me. I said there must be something wrong and that, besides, the building standards just would not allow that. Well, we checked into Central Mortgage and Housing minimum standards and it is within the minimum standards; there is no question about it. But whether or not it is within CMHC standards, I think it is a very serious mistake, not only because of the fire danger that is there if anything went wrong, but secondly, it becomes so hot and humid in the basement with no ventilation. They tell me that as a result of the central heating, sometimes in winter it will reach as much as 100 degrees in those basements and the kids playing down there—

Hon. Mr. Randall: You say it did have windows but no doors?

Mr. Trotter: No doors or windows; nothing. I said I would not expect doors, but I would expect windows for ventilation because if the women are washing down there, it gets very humid. None of these apartments or town houses has any thermostat; they cannot control their heat, and the women I talked to all complained about the basement. They were most disturbed about the danger, in case anything went wrong in the kitchen and there was any kind of fire. The children would either burn or they would suffocate if they were playing downstairs. I admit it is within the standards provided by CMHC.

I had an architect take a quick look over that, and asked him what it would cost per unit to put in a window. He figured it would be in the area of \$200. I was hoping that would be one investment the Ontario Housing Corporation would make in Pelham Park. I would do it for two reasons — first, as a matter of safety; and secondly, I think the tenants who have been doing such an excellent job in that area deserve the interest that

Ontario Housing Corporation would be showing if it made that effort.

I must say that any town house that I have been in at Pelham Park has been very well kept. They are very good housekeepers, and I think that if you can have this type of development in Ontario Housing Corporation, it is a tremendous example for the general public to see that this system can work.

You get extremely good people in this area. I know that they run a hockey league in winter, they have a baseball league in summertime, and they have a great many activities going. The local churches are interested. We have had good people in the area, and mainly it is because of the impetus from the tenants that I think that the relations have been good with Ontario Housing Corporation.

But I must emphasize that the building really needs to be corrected, and if you have any other buildings on the drawing board, do not make that mistake. I was wondering, Mr. Minister, if you could give me some type of undertaking that maybe one of your officials would look into the possibility of correcting that error.

Hon. Mr. Randall: I cannot think of any reason we should not have a look at it.

Mr. Trotter: As I said, I have had an architect look it over and he said it is not impossible to correct it. He was dumbfounded that they would get away with it.

Hon. Mr. Randall: We will have a look at it.

Mr. Trotter: One other thing that also shows up in looking over even a good development, is that when they planned Pelham Park Gardens they must have been fantastically optimistic as to the prosperity of the people in being able to own motor cars. I think including the high-rise apartments, there are only about 100 motor cars among all the tenants, but there is provision for parking space for about 300 cars. In one spot for underground parking, you could park 150 cars, and in another place about 103, as well as the parking on the grounds. When you would walk into the underground parking it is just like being in a vast hall completely empty, because people are using the parking upstairs.

I would hope that an area like that which is simply not being used and is a lot of wasted concrete, could be used for facilities for recreation. For example, the police department offered to set up a boxing ring and

that type of thing that can be used particularly in the wintertime.

Again, even the tenants emphasize to me that anything done like that should be supervised, and likely supervised by themselves, because once, without the parents knowing that they could use a certain section of that underground parking, bulbs start to disappear and the kids were fooling around. So anything that is done, I think should be done with the co-operation of the tenants.

I would ask, Mr. Chairman, that the minister draw to the attention of his staff that those facilities in Pelham Park should be used, particularly that unused parking space, and for the planners not to be quite so optimistic as to the prosperity of people in that area. There is enough parking space in there for the people in the town houses if they had three cars per family.

Hon. Mr. Randall: That is a municipal requirement and I think your point is well taken. It is a municipal requirement that we have to provide the garages in case people do have cars, otherwise they would have to leave them all over the community. If they do not have cars, I agree with you that we should look at the space and see if it can be used for the things you mentioned.

Mr. Trotter: I have been informed that because of the tenants' excellent association with the police department, the police would be glad to help carry on sporting activities. Again, I use this as an example of what can be done; it is a good example. Everything has its difficulties, but I would hope the minister would look into that particular area.

I would like to ask the minister this question: In his view of public housing, what does he look upon public housing for? Is it a stepping-stone for the temporary poor to find middle-class housing? Or is it an effort to break the poverty cycle for people who may never be middle class but are really in a poverty-cycle? What do you think its primary purpose is?

Hon. Mr. Randall: I think primarily when you look at the number of people coming into public housing in any country, it is to give people adequate shelter. I think we just have to look at the lineups in Great Britain and Sweden where they have had a bigger housing programme than we have had *per capita*, over many years. It never gets less; there are always more and more people coming in.

They are forced in through economic circumstances. The cost of living goes up, the

private rents go up, and so they say, "Well, I might as well get my name on the state's list and let the state provide me with some form of housing." If it is good housing—which most of ours is, as I think you recognize—there is no reason why they feel they should not put their name on the list and get a house when their name comes up.

We recognize that perhaps 30 per cent of our people are single-parent-led families, and we would hope that maybe those people also would be able to afford some kind of accommodation they can buy over a period of years. We would hope that for the majority of these people who are on rent-geared-to-income, we can find a way where we can finance them out of public housing into ownership, as we have talked about in the last few days.

But I think you are always going to have a percentage of your people—low-income people, let us say, people on welfare or family allowances—for whom housing must be provided, and if they ever bring in a form of guaranteed annual income, perhaps this is one of the ways to provide them with a home for which they have an ownership certificate. I do not know how you would do it, but this is one way in which, if you did nothing else, to make them realize that they have a place of their own and they should not kick it apart and cause so many maintenance repairs as we talked about the other day.

I think if people have an ownership certificate, then if Willie kicks the plaster in, somebody is going to kick his head in, and think this is the thing that all of us recognize. There would be some sort of control over the youngsters who, because they do not own it, are liable to wreck it. This can happen, of course, in privately owned homes as well as publicly owned homes.

But I think that the pride of ownership would do a number of things. It would make these people feel that they are not second-class citizens, as sometimes they are referred to, as you well know. At the same time, if they have a stake in the community I think they are better citizens, and I think the maintenance cost of keeping their properties up year in and year out would lessen very considerably. We have seen that happen, where people have taken ownership of, say, the homes up in Guelph and things like that.

No, I think it is a stepping stone. I would like to think of it as a stepping stone into

something better as our economic circumstances improve. But I think you recognize that today the average fellow's wages, while in some industries they are going up very rapidly, in other industries they are not going up as rapidly, but his cost of living is moving to a point where, when he does get to a position where his economic circumstances permit him to get out of public housing and into private housing, unless there is some form of government assistance along the lines of HOME or along the lines of what we have been talking about here the last few days, there will be no way we can convert them.

Mr. Trotter: What is the average stay of a family in public housing—seven years?

Hon. Mr. Randall: Would you have any idea of that?

Mrs. B. Meredith (Ontario Housing Corporation): Yes, I think you might be very close.

Hon. Mr. Randall: Seven or eight years. This is actually, of course, in the last couple of years, because of the economic circumstances, you realize that.

Mr. Trotter: I think our basic approach to public housing is going to have to change. First of all, I think the expectation was that people would be in public housing for a short period of time in order to buy their own homes. Now the average Canadian family moves every five years. The idea was to have people in public housing move even faster. The truth of it is, they now stay longer in public housing than the average family does in its own home. So our policy and original intentions are obviously failing, for economic reasons and many other reasons.

Hon. Mr. Randall: I think you remember that the rent scale was built so that as their economic circumstances improved, they could not afford to live in public housing, and had to get out and live with a private landlord. That was fine as long as there was somewhere for the people to move. When there was nowhere for the people to move, we found ourselves in a position where you were being whacked backward and forward because you were trying to force people out of a house where they had good accommodation, and into something they could not afford.

Our turnover now is averaging 12 per cent, and that is rather low when you look at the number of units we have and we recognize

people are not getting out, because let me point out that they are getting damned good housing for the kind of money they are paying, whatever they are paying, and people are not so concerned with living in public housing that they are going to move out just for the sake of moving.

There are some people who say, "I do not want to live in a public housing project, I want to be my own landlord, or I want to live with a private landlord." But the vast majority of people have a look at the economics, and say, "How far will the weekly wage go to permit me to move?"

Mr. Trotter: Because you are now going to have tenants on hand for, it looks to me, many years, the way the situation is, I would suggest that there be some kind of an appeal system set up when tenants are evicted. This has not happened in Pelham Park: they have had very little, if any, evictions, so I do not associate evictions with Pelham Park. But in many units throughout Ontario—the Ontario Housing Corporation may argue that it has very few people who are evicted—there is no real opportunity except if a tenant took a matter to court, which is financially and practically very unfeasible.

There is no appeal system within the corporation itself where a tenant can be heard. I believe that in the event of an eviction, if the tenant has an objection I think that a proper appeal system should be set up with some type of representation for the tenant and within certain rules of evidence. I would not want those rules to be as strict as the court rules, but I think that there should be some system that would give the tenant an opportunity to be heard. Now you are really the landlord for 105,000 people—

Hon. Mr. Randall: One hundred and twelve thousand.

Mr. Trotter: Oh, 112,000 now; it is going up all the time. But it is becoming—and this is a danger in our society, whether we like it or not—a great bureaucracy. There should be built-in protection for the tenant, who in most cases—whether the minister or his assistants may think so or not—feels he is just a pawn, that there is nothing he can do about the system.

I would suggest to the minister that we do set up an appeal system. I know in the United States they have proceeded to do the same thing. At one time the United States, with its housing authorities, had nowhere for the tenant to go. As a result of a number of injustices that took place in the United States,

they have finally changed their system in most jurisdictions, because if a tenant is abusing his rights, for the sake of the other tenants he should go.

Again, if you have a tenants' association, you would probably have the majority of tenants expressing the view that an offending tenant should go. If you look at a lease, a person even holding a quiet friendly poker game could be turfed out. You could probably put a nail in the wall and be turfed out. There are many odds and ends.

Hon. Mr. Randall: You know the new lease will be issued before July.

Mr. Trotter: I am told there is a new lease coming, but in any event there can be many interpretations of any lease. Without seeing that lease, I know that you can give four lawyers different sections and they can come out with many interpretations.

I would recommend to the minister that an appeal system be set up, just as in The Department of Social and Family Services a review board is set up. It is now chaired by the former deputy minister, James Band. There, someone who has been refused welfare has a right of appeal and this is what you are going to need because right now, Ontario Housing Corporation is the judge, jury and prosecutor. I feel with government where we become part of bureaucracy, whether we like it or not, there should be some sort of appeal.

Hon. Mr. Randall: May I just give you a couple of comments on evictions? I think you would be interested.

During the first eight months of 1969, the board of directors authorized eviction proceedings to be instituted through the courts in 48 cases. This is through the courts, not through the Ontario Housing Corporation. The cases were tried by a judge or a court and in all but one case the cause was rental arrears. In other words, if a guy is on a rent fixed income basis and his neighbours are paying rent and he just refuses to pay rent because he is using his money for some other purposes, you cannot let him stay there regardless of the troubles he causes for his own family. If he refused to pay his rent, why should the guy next door pay, who is an honest citizen and wants to pay his way?

Of the 48 cases, 18 were settled by arrangements between the tenant and the corporation and did not reach the court stage. In other words, we sat down with them and with our tenant relation officer and we said, "Look, get on the ball, pay your rent, look

after your family and be a good citizen in the community." So 18 of the 48 were settled that way.

A further four cases were resolved by the tenant vacating the premises prior to the execution of the writ. In other words, he recognized that he was in the wrong and decided he would get out.

In only 26 of the 48 cases did possession have to be attained by the sheriff's action, which meant that they were the ones who said, "I am going to stay here come hell or high water." Then you had to have a sheriff's action.

Between August 31, 1969, and April 30, 1970, 88 eviction proceedings were initiated by the courts. Of these, 26 were settled when the tenant voluntarily vacated—

Mr. H. Peacock (Windsor West): They are not initiated by the courts, Mr. Chairman.

Mr. Chairman: You will have your opportunity.

Mr. Peacock: Just a moment. Just a moment.

Hon. Mr. Randall: Let me just finish the statement and then you can—

Mr. Chairman: The only way we can keep order here is to answer the questions from the particular member.

Mr. Peacock: You have had somnabulation, not order, in the last few days.

Hon. Mr. Randall: Between August 31, 1969, and April 30, 1970, 88 eviction proceedings were initiated by—

Mrs. Meredith: The board.

Hon. Mr. Randall: The board, not the courts, I am sorry, the board. Of these, 26 were settled when the tenant voluntarily vacated. In 19 cases, the arrears were paid and in two cases the tenancy was transferred to the wife. In other words if the husband was no damned good we gave the wife the opportunity to take on the obligations and she took them on. Seventeen cases are still pending.

Only 24 of the 88 cases resulted in any eviction. I do not think that with 30,000 units in the province and 112,000 tenants that we are too tough to deal with on evictions.

I appreciate your point of view, but I am just pointing out that you may read of the odd case, but it does not necessarily follow that the housing corporation is callous of the

fact that some of these people should not be evicted.

You have to have some form of control, otherwise there are people who will move in and just say, "I am in at the taxpayers' expense and I am going to sit." If he has got sufficient moneys to get in, we intend to see that he pays his bills.

Mr. Trotter: I know they are in at the taxpayers' expense but then, of course, even when they are evicted they still end up with welfare taking care of them, one way or another. This is, of course, one reason why you would have a tendency not to evict because where are they going to go? I think that must be in your mind all along, because the taxpayer will end up footing the bill.

Hon. Mr. Randall: You only have two choices though, Mr. Trotter. You can permit this guy to sit there and say, "Look, I do not give a damn about the rules and regulations and I am not going to pay my rent." He is earning the same money as one man on one side or the same money as this gentleman on the other. What would you do? This is the decision we are faced with.

Mr. Trotter: The odds are I would be for evicting them. There is no question about that, everything taken into consideration. Maybe the odds are that in most of these eviction cases the Ontario Housing Corporation was quite right. I would make that assumption, but I think we find out in the history of the law as we have more or less inherited it from England that it has been the exceptions that have made the cases in order to protect individuals who do not know how to protect themselves or to stop a mis-carriage of justice.

Most of your laws are passed in order either to protect minorities or to stop minorities from gouging the public. I am going in large part by the American experience because the Americans themselves in their housing projects are introducing an appeal procedure without, in many cases, using the courts. First of all, it costs less money. It is speedier, and in many respects is closer to the community in which the tenants are involved.

Hon. Mr. Randall: Perhaps I could ask our legal adviser, Mr. Hermant, to make a comment on that. I think there are some comments he would like to make.

Mr. A. A. Hermant (Ontario Housing Corporation): Thank you, Mr. Chairman. As you

know, the McRuer report on civil rights suggested somewhat the same type of procedure you are advocating right at this time. As a result of that report, as recently as the last meeting of the board of directors of Ontario Housing Corporation, they approved in principle the creation of a tenancy hearing officer. We will be establishing an internal appeal procedure on tenancy matters which will allow the tenant or anyone acting on his behalf to make a direct appeal to someone who was not involved in the original administrative decision, as the result of which the tenant feels he was aggrieved.

I think that will be put into effect, possibly within the next several months as we provide a frame of reference for him and make an appointment as to who actually will be hearing them. But it has been approved in principle and within the next several months I think it will be instituted.

Mr. Trotter: This system would mean that you would have one officer to which to appeal. He would look after the tenants' interests.

Mr. Hermant: He would be an officer appointed by the board of directors to hear appeals from the tenant himself, or someone acting on his behalf if the tenant feels that he has been unjustly treated. If there has been an administrative decision of some kind, he would have the opportunity of having his case reviewed. The appeal officer would then make a report to the board of directors with or without recommendations and the board would then have an opportunity to act and rectify any inequity that may appear.

Mr. Trotter: You see, the Ontario Housing Corporation, even in that instance, is still the judge, the jury and the prosecutor because your tenant officer is one of their own employees.

Mr. Hermant: That has not been determined yet.

Mr. Trotter: It looks that way, and I admit if I was part of the crew I would have a bias. I would not want to criticize what some of my own people might be doing. This is why I think I would even let your own staff off the hook, if, as well as that tenant officer, you had a representative of the tenants and some third party from some group like a social planning council or from some group in the community that represented the general public. In other words, leave it open. By all means have an employee on there, but I think that if you have a proper case and you are

more open with the case, then it helps your own case if you, say, invite the general public and also invite the tenants. At least they have a say.

Mr. Hermant: That might very well be. That is a matter of policy for our directors to decide on, however, and it is out of my scope.

Mr. Trotter: I think it is highly important, Mr. Chairman, that the Ontario Housing Corporation must try to be as open as they can, not only with their tenants but with the general public so that the general public has a greater understanding of what you are trying to do.

It should understand that these people are not just bums and freeloaders; and that the vast majority of them are extremely good people trying to be independent and also that the tenants feel that they are a part of the system.

If you do not do that, you are going to continue to have the trouble that you have had. I just know. The one instance where at the very beginning I called the police inspector who was interested shows this. Since then they have had very little difficulty; they always have somebody to go to talk to within the force. It was simply a matter of personal contact. This, I think, has got to be the rule throughout your whole public housing system or you are going to create ghettos.

Europe, Great Britain or Sweden are often used as examples. As far as I am concerned, this is Canada. I think a lot of us and a lot of our ancestors cleared out of the British Isles because things would be better over here. I know when Mr. Nicholson, the former federal cabinet minister in charge of housing, was making speeches about immigration over in Europe, he was asked two things: "Is it possible to own your own house in Canada?" and secondly, "Do you have medical insurance?"

These are the two things that people wanted to know about and I do not think it speaks very highly of our governments today—I do not care which political party it is, whether it is federal or provincial—we are not solving the housing problem. I do not believe for one moment that we are making nearly the effort we should.

This is in part the fault of the general public because most of them at the moment are settled, and what is now concerning the older ones who have a place to stay is that their children cannot get one. Instead of having a strong middle-class society, which

we now have, we are going to destroy it unless we see to it that we can provide good housing for future generations. I think in some respects, Mr. Chairman, I am more of a free enterpriser than the minister because I am more concerned with the opportunity for people as they are coming along now. I do not think it exists today as it existed in the minister's day when he was younger—or even 20 years ago—when I was coming along. And part of the reason is: you do not solve the housing problem; you are so taken up with the cost of land, you do not see what it is costing people and what more particularly it is costing Ontario society.

I am just mentioning a few of these things because I think it is a very major problem we are facing, and despite the minister's speeches to the contrary, and despite these Harbour Cities and the fancy places, I do not think they go to the heart of the problem that we are facing. I would hope to see more action from this department than we have so far seen in facing up to the housing problem.

Mr. Chairman: The hon. member for Fort William (Mr. Jessiman).

Mr. Peacock: On a point of order, sir, I do not believe the committee has discussed its own procedures in conducting this examination of Ontario Housing Corporation's vote in these estimates. However, I understand you have a list, which you have been keeping over the last several days since we first started this vote on Monday. I asked to be put on your list near the outset of yesterday afternoon's proceedings and I understood I followed the member for Parkdale on that list.

Mr. Chairman: This probably was right, but I cannot help it if you are not in here at the start of the meeting. If the hon. member for Parkdale had not been in here to start off the meeting, he would not have been the first speaker either.

Mr. Peacock: He was here and kept his place and I am here now and—

Mr. Chairman: So I am just going to give everybody a fair chance.

Mr. Peacock: I am trying to keep my place.

Mr. Chairman: Just a minute. I am trying to conduct a good meeting, an orderly meeting, and the only way I can do it is take them as I have them down here. You were not here at the time so I am now calling the hon. member for Fort William.

Mr. Peacock: On the point of order, Mr. Chairman. I was here at the conclusion of the remarks of the hon. member for Parkdale and that is where my name is on your list.

Mr. Chairman: As a matter of fact, the hon. member for Scarborough Centre was first on the list and she is not here yet. She will be the last one on the list as far as I am concerned.

Mr. Peacock: I can understand you not calling on a member who is not here.

Mr. Chairman: You will get your opportunity. We have got lots of days left.

Interjections by hon. members.

Mr. Chairman: The hon. member for Fort William.

Mr. Peacock: Is that the procedure? Let us make it clear? If we can complete this point of order.

Mr. Chairman: I will make it just so clear that if you are not here—

Mr. Peacock: At the beginning of each day's session, are you going to write out your list at 3.15 p.m. each day or at 8 p.m. when we meet again in the evening so that each member who wants to speak has got to be here at that time?

Mr. Chairman: I think that is as it should be. Why not? You are a member of the committee.

Mr. Peacock: Let us be clear about it then. You will recognize speakers from your list which you make up at 3.15 p.m. and at 8 p.m.?

Mr. Chairman: Absolutely. That is the way—

Mr. Peacock: That is not the way you have been doing it so far.

Mr. Chairman: That is the way I have been doing it.

Mr. Peacock: You did not follow that procedure yesterday.

Mr. Chairman: Oh yes, I did.

Mr. Peacock: Yesterday afternoon, Mr. Chairman, you allowed several members to intervene who entered this committee room long after the opening of the meeting at 3.15 p.m.

Mr. Chairman: I allowed them to intervene with a member who was speaking. The member for Parkdale gave up his position yesterday to the hon. member for Sarnia. Right?

An hon. member: Definitely.

Mr. Chairman: Right. Absolutely.

Mr. Peacock: I am not asking anyone to give up his position to me. I am just asking—

Mr. Chairman: You just wait your turn. I have got you on the list. Do not worry about it. We will have to suffer through your —

Mr. S. Apps (Kingston and the Islands): Mr. Chairman, do you think it would be a good idea if, after the speaker makes his speech, he be required to stay and listen to the others, too?

Interjections by hon. members.

Mr. J. Jessiman (Fort William): In the form of a question, regarding the housing in what was Fort William, now Thunder Bay, at a place called LaSalle Place. I am sure that your people are familiar with it, Mr. Minister. Approximately 10 or 11 months ago, I did a tour through LaSalle Place with the chairman of housing, Mr. Clow, and we were invited into various occupied parts of the buildings and the occupants were all ecstatic about them at that time. But, in the intervening period as the houses were progressively completed and occupied, a density of population that was never planned came into this particular area and I am sure that this is a problem that you have in many other areas.

But, I went this past Sunday, around LaSalle Place again at the request of the tenants' association—as I went around three weeks ago—and your department is aware of the situation, especially in the spring, when the mud is deep and the grass has not grown. I found a despicable condition exists there in that no open space has been provided, no recreational area at all. There is no open space around, but there is open space available and these people appealed about it to city council, I believe about seven weeks ago.

The appeal went to Ottawa and to Toronto, and Bob Andras, the federal member for Port Arthur riding, stated, and unequivocally admitted, that they would pay for the adjoining grounds staked out for building. Now the planner, Dave Thompson, in Thunder Bay, stopped or requested the builder to desist for now until something happened. This was five weeks ago. In the intervening

five weeks, nothing has happened. The minister responsible for housing, Andras, has said that he will pay for it. This is wonderful. It is our money anyway, but he will pay for this strip of ground that they desperately need for recreation. Now, as I say, nothing has happened.

I am sure that an answer will come from one of your people.

The next thing I am now aware of is on Windsor Street where LaSalle Place is built—just awful—adjoining James Street, running north and south, this portion west of LaSalle Place is James Street. This is where the houses were going to be crammed in and a cement wall is actually being put in front of LaSalle Place. I think there is darned near 300—or maybe it is 384—over 40 per cent of the tenants or occupants are under 20 years of age, so they need this ground. It is there, it is available; Andras says he is going to buy it. All I say is when is OHC going to move a little bit on this? I am informed that within three blocks of LaSalle Place, 80 additional units are going to be provided. Not only are you going to contribute to a ghetto—I do not like the word—but it is the one that is used and it is the modern term, I presume, for housing where facilities have not been provided.

I am really concerned now to learn that 80 more are going to be put just three blocks down the street, and I say, let us have a really good look at this. Let us look at it today—your department must have an answer on this recreational area because you have been aware of it long enough now and I would like to hear on that one before I go on to my second question.

Hon. Mr. Randall: I think the member for Parkdale brought that up the other day. Let me just say before you start, I was very heartened today to read in the newspaper that the people up in Winfield Farm in \$80,000 houses are screaming like hell because people are going to build \$40,000 houses next to them. This is very refreshing to me—to have these other people in a different category, the guy with 80 grand, mad about a guy with 40 grand building next door to him. We have been talking around here today about people objecting to public housing.

Mr. Jessiman: I am not.

Hon. Mr. Randall: No, I know you are not, but I am just suggesting we get hell from everybody if we build or if we do not build.

I just wanted to make an interjection that was rather amusing to me. It is the first time I have seen millionaires fighting millionaires. I think we are going to have a guy fighting with the fellow next door putting in a swimming pool, and he cannot afford one, so we will have all that to go through. Perhaps, Mr. Goyette, you could make a comment on that area because it was brought up the other day. We would like to hear you—

Mr. Goyette: Yes, Mr. Chairman. You are speaking of a project that has got 102 units. One of the measurements we use is the density of the number of units per acre. The density here is 16 units to the acre which is quite average for row housing.

Mr. Jessiman: Except when you put 87 bodies in that acre.

Mr. Goyette: Right.

Mr. Trotter: Three hundred and sixty-nine children.

Mr. Goyette: I realize that there is a bedroom count here which is 3.3. That is point number one. I am acknowledging the fact that that is the density, that is the number of units. On the point which you brought up and the question on which you asked me to comment, I suspect you know the area better than I, but as I understand it on the three sides there is some open space—

Mr. Jessiman: On one side only.

Mr. Goyette: All right. On one side. I think it would be about 1,117 linear feet of service land which would apparently cost something in the order of \$100 a foot.

That is point one. Suppose we had jumped at it even on our own initiative. The question of cost is can you buy fully serviced lots which are adjoining this from a private developer for park purposes. We had some discussion with the municipal people thinking, well this is a project, we pay full taxes on this project, is there any way the city can participate?

Apparently you made the point that the federal minister responsible for housing became interested in it. You informed us on this point that he had this interest so I personally—I think this came through about four or five days ago—got in touch with Ottawa and asked them what they had in mind. They are now taking a look at it and I am waiting for some response from them.

If they wanted to get involved in it and wanted to acquire on some form of—

Mr. Jessiman: There is no point in a sharing basis.

Mr. Goyette: At this point we would do what we could. We are not against that. We are really now waiting and wondering what they have in mind and how would they finance it?

Mr. Jessiman: Mr. Andras made a statement to the press five weeks ago that they would be pleased to pay for it. He made the statement, not me. Andras still is responsible for housing. That is good enough for me. If he has the money, will you please phone him up and say "Okay let us buy it, let us get on with it"?

Mr. Goyette: If he has the money, he should buy it.

Mr. Jessiman: Why do you not call his hand? That is the thing.

Mr. Goyette: As I said to you, we did phone Ottawa and I asked what they had in mind and would they let us know. I have not had a report back, but I will follow it up again.

Mr. Jessiman: Thank you very much, Mr. Chairman.

Mr. Peacock: Could I ask another question on that subject?

Mr. Chairman: I think we will give you a chance to ask it, certainly, but—

Interjections by hon. members.

Mr. Chairman: There will be no system at all if we have everybody talk at once. I think it is a lot better if we let each person have his opportunity.

Mr. Trotter: Mr. Chairman, on a point of order. I might suggest this. When we are in the House, we normally let each critic make one speech and then we throw in questions and there are interjections. In this way there tends to be repetition. I realize there are difficulties because of the setup of the mikes and that sort of thing in the House. But, for example, if the member for Downsview (Mr. Singer) is speaking on Malvern some of us would want to ask a question on that without making a speech. This is the reason why, without going to Thunder Bay again, I just wanted to ask a question.

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, on the point of order. I would

like to speak with regard to the same problem. Many of us have sat through quite a bit in the last few days and often we have had only one simple question to ask.

I have discussed it with members of the Liberal Party too because it was their concern as well. We really have no after-play on the subject at all if we simply sit and listen to one person's recitation. It is not really conserving time in my view because what is really happening is that we have to then take the whole committee back to that subject.

Mr. Chairman: At the time this vote was called, my vice-chairman was in the chair. It was decided at that time by you people in the committee to take each vote and have each one put forth his views on housing. This is the way we have tried to carry this out.

If the committee wants interjections from each one of the members as we go along, I have no objection to that. I just want to carry a meeting out in an orderly fashion and to give every member an opportunity. This is really what I am trying to do but I cannot see any order at all if some member gets up and gives his views and then we have interjections all over the place. We just cannot handle that in this particular room. There is no way we can.

Mr. Apps: Mr. Chairman, there may be an occasion when something comes up and someone would like to ask a question in connection with what has been said. I do not see too much wrong with that.

Mr. Chairman: I have no objection to that, when the committees are on. If this is the way you want to carry on, it is fine with me.

Mr. Peacock: On the same point of order, Mr. Chairman. You keep referring to the word "interjections." None of us here seeks to disrupt the proceedings with interjections as we know them in the House. What we have suggested to you and what I discussed with you and with the minister at the outset of this vote is whether or not it might be possible to proceed on the Ontario Housing Corporation votes by a programme of activity within the corporation as we have on all the other votes of The Department of Trade and Development. At that time you thought not and—

Mr. Chairman: I did not think that. It was already started before I filled the Chair.

Mr. Peacock: —we went with the present system that you have been following: one member at a time. You have on occasion tolerated questions on the same subject from

other members on your list who did not have the floor. I would suggest that you entertain some of the suggestions we have made to you now that we exhaust one subject for those of us that are here and move on to the next one.

Mr. Chairman: All right. That seems to be the opinion of the committee but I must say this: When some other member is giving his point of view on housing, it is very hard for the *Hansard* people to decipher the tape when there are three or four people sitting talking at the same time. The microphone picks up practically everything and makes it very difficult for them. I am only asking you to pay strict attention. If you want to do any talking, do it outside in the hall.

Now we have the hon. member for Parkdale.

Mr. Trotter: I have one more question. I was wondering, Mr. Minister, if Ontario Housing Corporation will put a stop to the building of the further 30 units at the LaSalle project in Thunder Bay?

Hon. Mr. Randall: Have they been started yet?

Mr. Goyette: No, that has not been started. We are at the stage now where our people are discussing with the municipality the acquisition of a site. The intention would be to build units. I guess they are all within three blocks and this has been done in consultation with the city. Our people are still out looking at it. It has not really come in to us. We have not had a chance to look at it in detail and there has been no arrangement made yet. Certainly having heard today what is going on, we will take a very close look at it.

Hon. Mr. Randall: I would just like to say one thing. We have heard a lot of conflicting views the last few days. We recognize the need for housing and if we go all out to build housing, come hell or high water, we will find ourselves in the difficulties we have expressed here with overcrowding: too many units here and there.

It is not easy to get land as you can appreciate. I think we are going to try and use our best judgement to provide housing as quickly as we can. But if we are slowed down in some areas, because we do not want to do as Mr. Jessiman and you have suggested here, then you must recognize that people, perhaps in Fort William or Thunder Bay will have to wait a little longer for those 30 houses. I

hope you will not be back in here next year giving us hell because the houses were not there.

This is the only point I want to make, Jim. You have not been here the last couple of days but we have gone around this business of a number of people on the waiting list. I just simply say that I am conscious of the number of people on the waiting list in all areas and I would hope to get the houses built very quickly. But if the houses are going to cause some social problems and we can avoid it we want to avoid it. By the same token, I hope they do not give us hell for not building the houses and then give us hell if we do for the social problems created. We are caught between two fires here.

Mr. R. H. Knight (Port Arthur): My comment, Mr. Minister, is not on the number of units that you are building. I compliment you on the type. It is just on the open space. The recreational areas have been forgotten and the space is still vacant. I just say, "Take advantage of it today." Do not wait till tomorrow.

Mr. Chairman: Any other questions on this subject?

Mr. Knight: On the same subject, does the Ontario Housing Corporation find that there is a shortage of land available for this purpose in the entire Thunder Bay area?

Mr. Goyette: I do not think that as a general comment one would say that there is a terrific shortage of land in Thunder Bay. There are places where it would be much tighter.

Mr. Knight: You do have an alternative, then. If I could just add a comment, Mr. Chairman.

Mr. Chairman: The hon. member for Port Arthur has the floor.

Mr. Knight: I hope to get it again for another subject. But while this subject is up, I want to say that I had supper in one of the homes in LaSalle Place two nights ago. I might say that I quite approve of the type of unit, but I did notice while trying to approach the front door I had some difficulty getting through the courtyard where a big fellow was batting a ball. I do think that if you do not find a recreational area for those people, as the member for Fort William suggests, you are going to have an awful lot of broken windows in a very short while.

I noticed that the attitude of the people is good, except for one thing. They do feel that they are living in a ghetto.

Mr. Chairman, what I am concerned about is the emergency situations that come up where someone is going to be evicted. They do not have any place to go. Maybe there is a father, mother and a couple of kids, and the local housing authority has filled its quota and does not have a place to put these people. I am just wondering what the policy of the Ontario Housing Corporation is in regard to these emergency things.

Is the only answer you have, "Well, go to the local housing authority. If their quota is filled, if they do not have any houses available, we will put you priority one, two, three or four on the list and as soon as a house comes up we will let you know?" Is this the ultimate answer, or is the department looking for other ways to solve that problem?

I have a situation right now in my own riding. Through my information centre I have learned that there is a fellow who has been living on unemployment insurance for quite a while and he has just received his last payment. He has been living with his mother and father and they cannot afford to support him any more, as there is a mother and father and a couple of kids involved. They called the information centre. I said, "Go to the Thunder Bay housing authority". I know they are going to tell them that the quota is filled, and they will put you on the list, but that does not solve the problem.

This brings me around to the other subject that I was going to get to ultimately anyway, and that is mobile homes. I think mobility in homes is a wonderful thing and I have been buzzing around the minister here since I came down to Toronto as an elected member about mobile homes ever since I put my own family in one. I just wonder whether OHC has ever considered the mobile home as a solution. You could put these people in mobile homes temporarily, until you have built your next 30 homes or something. They do not necessarily have to be brand new mobile homes.

Mr. Chairman: That particular subject was discussed here a couple of days ago.

Mr. Knight: This aspect of it has been discussed?

Mr. Chairman: Yes.

Mr. Knight: Using it as an emergency measure?

Hon. Mr. Randall: I can just say to you that we discussed the possibility of a mobile home deal going up in Clarkson, in my hon. friend's riding up here. We are all for it. We are trying to help him get it through OMB. The town wants it, the Municipal Affairs department apparently does not have any objection, but OMB turned them down and I am having the Minister of Municipal Affairs talk to OMB to see if —

Mr. Chairman: Not Clarkson; Cookstown.

Hon. Mr. Randall: Cookstown, I am sorry. — to see what can be done insofar as having units available. If we have any units available empty, we should have people in them. We cannot hold units empty for emergency purposes in any area or we would be in difficulty, as you can appreciate.

In the city of Toronto here, the major problem is that we have some units that builders are going to tear down eventually, but they have allowed the city of Toronto or Metro Toronto to use them temporarily till the people can get into Ontario Housing units. Then, of course, there are the hostel arrangements they have here for people evicted, but I think last year we had a record number of people evicted that we took care of. When they are evicted they are emergency cases and we think we have done a pretty good job of getting—

Mrs. V. Meredith: We have 30 interim housing units.

Hon. Mr. Randall: Thirty interim housing units. How many people were evicted that we had to house? These were emergency cases. I thought I saw a figure on that, did I not? I had that, but I mean how many people got a notice to move immediately that we had to house? At any rate, that is the situation on emergency housing as I have outlined it to you.

Mr. Knight: I know of a family that spent the summer of 1968 on the shores of a lake just out of Windsor, Ontario, and the local Windsor authority knew of the case but they just could not help them out. This was a mother, father and seven children living in a tent on the shore of a lake because the local housing authority was at a loss to find them a place to live.

If you could have moved a three-bedroom mobile home in there, they at least could have lived half-way decently for a temporary period of time until they could have been better accommodated. Ultimately, they found

themselves a home but it was not the housing authority that fixed them up. The father just happened to get lucky and he bumped into somebody who knew somebody and this is the way these things usually are resolved. It is just unfortunate that they had to live in that tent for about three months.

I say, look at this mobile home thing. You might be able to find some dealers with whom you could work some really good arrangements.

Hon. Mr. Randall: I do not think there is any problem with mobile homes. The problem of the mobile home is, where do you place it without municipal approval?

Mr. Knight: Okay, what are you going to do about that problem? That is what I want to know.

Hon. Mr. Randall: I just told you what we are doing about it. As I told you a few years ago, we changed The Municipal Act so they could have mobile homes in the province of Ontario.

The second thing is we have gone through the Ontario municipal affairs branch and they agree with us — in fact we have often offered to finance most of these people through finance companies or banks. We have even offered to use the development corporation for financing, but the major problem right now is getting it through OMB at the present and we will see if we can convince OMB that mobile homes, properly established, are not a detriment to the community and that they pay their way and that it is good housing for people.

We are moving. It may seem slow to you, but I will tell you, we do not have the control in our hands. We are like the developer trying to get a development approved. We have got a lot of people saying that it is just not going to work in this area.

I would be inclined to believe that in the next year this situation will clear itself up. Let me just say here, to finish this comment, that in 1969 we housed 1,155 families who had notices to get out. This is the thing that upsets our priority system or our point system, but when these people are on our hands, they have to be found a place to live. They are in the same category as the chap you talked about with the seven youngsters. So we do have a problem with people who are given notice to get out. We are doing something about it. We wish we had enough housing to take care of everybody, but as I say, we have housed 1,155, and the ones we have not

housed are the ones we will hear about, as you recognize.

Mr. Knight: I am glad to hear you say the things you have said because the punchline of my argumentation this afternoon was going to be, "Take leadership", and get after it, because I think last year when we brought it up you said you were still waiting for the Canadian Mobile Housing Association to come back with a brief. Did you ever hear from them? Did they ever come back with a brief with any recommended legislation? Did they conduct any extensive surveys to put across their argument that proper legislation was required?

Hon. Mr. Randall: I cannot recall now, offhand. I am not too sure whether they came back with a brief or whether we changed the legislation. They feel that it is up to them to go ahead and get the communities or the municipalities to accept it.

I think the one that my hon. friend has in his riding, and there is another one up in Ottawa, that to my mind have a very good chance of going through because they are properly laid out. The municipality apparently has no objection, and the town councils have approved it, so it is a matter of going down to my friend, Mr. Kennedy, and convincing him, I guess, and his minister that mobile homes are good accommodation for people in many areas. If they add to the community, if they do not detract from the community, which these people have agreed on, then there is no reason why we should stand in their way and say that they are not good enough. I am sure as far as I am concerned, if we could house these people in mobile homes, I would do it tomorrow.

Mr. Knight: I think something that the entire government has got to take under consideration, Mr. Chairman, through you to the minister, is the fact that there are wide open sales on these mobile homes. They are being sold all over the place. Sometimes you get five dealers lined up, one right next to the other on the same street, and there is only one park. That is happening right here in Cooksville. People are led to buy these things, and I suppose they feel that they are going to have a place to park, and so forth, and maybe they do initially have a place to park. But then they have to move, for a job or something. They wind up in another area, where one or two park operators have a real monopoly. Maybe they only have 12 places to park, as we have up in Thunder Bay; they just have a handful of spaces

there, actually. Then the park operator brings down certain bylaws that are just practically impossible, such as no dogs, no fence, no garden, no this, no that or that, and the first—

Mr. R. Haggerty (Welland South): No children.

Mr. Knight: Yes, no children. The first thing you know homes are parked one alongside the other like so many trailer trucks, and people are stuck this way. They have made an investment. They have got the unit, and they just have to go by whatever dictatorial regulations the park operator comes down with. And to whom do they have recourse? What protection do they have?

A lot of these are average people. They do not know. They say, this is a good way to buy a home. It is cheap. The guy is going to give them pretty reasonable payments and so forth, and they get locked into these situations. I think the government, in serving the people of this province, has got to see that people do not get into situations like this. They have got to say to these dealers, "Look, if you are just going to sell the unit and then not worry where these people are parked, or in what conditions they are going to have to live with the unit, then we are just going to have to demand that you have more responsibility in the sale of your unit."

I just cannot be that callous about it. It is nice to see these people make a buck—and I do not say this applies to all of them—but some of them are taking advantage of the needs of people to make a buck, and the people are left in the kind of situation I am talking about.

So I think there has got to be some kind of legislation as to the areas where mobile homes are parked and whatever control the park operator is supposed to have over the tenants. I do not know if there should be some kind of a lease form that is approved by the province, or what. I think the park operator has got to be protected, but I also think the tenant has got to be protected in a reasonable way. This is why I think there is a whole area of legislation here that perhaps is being neglected by the Legislature and by the government.

Hon. Mr. Randall: Actually, I do not think there is provincial legislation dealing with trailer parks. I think the problem is at the municipal level, and I believe there is nothing in The Municipal Act to stop them establishing a trailer park. It is a matter whether the council will vote to have a trailer park in

their particular area, and I think we are in the same boat there as we are when we talk about public housing. If we go in and force public housing into a municipality that does not want it, we are in real trouble. They have to ask us for it. And the same legislation, in my estimation—I could be corrected on this—would apply for mobile homes. If a town like Cookstown wants mobile homes, there is no reason why they should not have them.

Now that they have come down to one man here who says he does not think it is a good idea, I would think it is up to us—if we have already started the programme moving—and the Minister for Municipal Affairs to say that he had better take a second look at this, because it is a good way to house people.

If the municipality wants it, what difference does it make whether you build a high-rise apartment or put in mobile homes; it is good accommodation. Certainly in many towns in northern Ontario you get many mobile home areas up there; I think their facilities up there are a lot less than they would be in a town down here, where you can lay out the grounds, put in water, sewers, hydro, television aerials and everything else, and have schools and playground facilities available for the youngsters. So, as far as we are concerned, I do not think any legislation is required. All we need is the will on the part of the municipalities to accept mobile homes as a living standard for people, which we are pushing for.

Mr. Chairman: The hon. member for Windsor-Walkerville wants to speak on this particular point.

Mr. B. Newman (Windsor-Walkerville): On the mobile home idea, Mr. Chairman, has the minister ever thought of constructing a given number of mobile homes in a community, or adjacent to a community, as emergency housing for those who receive an eviction notice, who cannot find housing? In this way you would be able to accommodate them for, say, 30 days, or for 60 days, up until the time when they are able to obtain some type of housing?

Hon. Mr. Randall: I do not think we have given that particular consideration much thought, but maybe it is worth thinking about. Again, I suppose if even the Ontario Housing Corporation underwent this and said this is what we are going to do, we would have to sell the idea to the Windsor council that it would be a temporary situation, not a permanent one. If they were against mobile

home parks, we would have to convince them that it would be a temporary situation, where people would come in to transfer out again. I would not see anything wrong with our trying it on for size and seeing what would happen.

Mr. B. Newman: I do not mean as a permanent setup. I would like to see permanent mobile parks set up in communities, even in the downtown area of a community, zoned properly and so forth, to accommodate them; but I am looking at the emergency aspect of it, where an individual gets eviction notice, calls the member up the night before the eviction and says, "Get me housing by the morning." And those telephone calls are extremely numerous. Now my—

Hon. Mr. Randall: I was going to say, what do you do about it?

Mr. B. Newman: What do I do about it? I help weep with them.

Hon. Mr. Randall: I was going to say that you are in the same boat as we are. They call us up on the same basis; they call us at night and say, "We have got to have a home by tomorrow."

Mr. B. Newman: At least, Mr. Minister, if you did have a stockpile of a number of mobile units, or if you had purchased substantial old housing in a community, and not rent it out on a long-term basis, you could rent it out as emergency housing to those who happen to be in this unusual situation and allow them to stay in there for a short period. It would be short-term housing only. For humanitarian reasons, I think we have got to look at this aspect of it, and I think the mobile home might be part of an answer to the situation.

Mr. Chairman: The hon. member for Port Arthur. Any more?

Mr. Knight: That was exactly the idea I brought up. But if I could ask, while we are on mobile housing, did the minister or someone from his department get a chance to go out and speak to the picketer here the other day? I asked the question in the House.

Hon. Mr. Randall: I had my executive assistant, Mr. Mason, go out and chat with him.

Mr. Knight: Well, this was a gentleman, I found out later, a Mr. A. Faxioni, who is interested in mobile housing, and that is what he was picketing about. He said he had been

looking around, for himself and the people in his family, at the proper housing accommodation, and he finally came to the conclusion that mobile housing was the answer. But he very quickly realized how few parking places there were around Metro Toronto. Here is somebody right here in Toronto who does not live in a mobile home, but who did some investigating of his own. It goes to show that the interest in this type of housing is really picking up right now, and I think I have pointed out to the minister in private conversations, that the dollars seem to be lining up in this direction too. So that I would once again hope that the minister will take the bull by the horns in leadership to get things opened up so that this one answer to our housing problem will be exploited to the nth degree.

Hon. Mr. Randall: Thank you very much.

Mr. Chairman: The hon. member for Welland South has been waiting for a couple of days to—

Mr. Haggerty: Couple of days? I think it is about three or four. Last week—

Interjections from hon. members.

Hon. Mr. Randall: Tell us a good Irish joke and then we will all quit.

Mr. Haggerty: Where did that story go that was passed on to me? I brought to the minister's attention here some time late last fall the problem of Ontario Housing in the town of Fort Erie, and the resignation of the local housing authority—and I do not know what happened to the local housing agent, but he is no longer employed, I guess, by the Ontario Housing Commission.

The problem was resolved at that time, but I have another letter here from the past-president of the senior citizens of the town of Fort Erie. She brings to my attention some important facts. One question I would like to ask the Minister is, how long do you have to be a resident of Ontario to take up residence in a senior citizens' housing unit?

Hon. Mr. Randall: Do you want to comment on that, Mr. Riggs—on the time limits in the various areas?

Mr. R. W. Riggs (Ontario Housing Corporation): In Fort Erie, it is one year. This was a request from the municipality in this particular case.

Mr. Haggerty: Perhaps I should phrase it again. Residence in Canada—let us put it this way.

Mr. Riggs: Once again, we are working on a one-year residency rule in Fort Erie. As long as they have lived in Fort Erie for one year, they are eligible for Ontario housing.

Mr. Haggerty: I think Mr. Trotter touched on the subject before, when one of the questions raised was on persons coming in from England or Europe, who would say, "Have you got Medicare? Have you got housing accommodation for persons to move in?" She brings to my attention that elderly citizens are coming in from England and taking up residence in the area in Ontario housing units, while there is a list of Canadian residents waiting to get into these homes who just get put on the waiting list for maybe two or three years before they can be admitted.

She also informs me of the fact that there are Americans taking up residence in our Ontario housing senior citizens' units in the town of Port Huron.

Hon. Mr. Randall: Is there any way we can have the names, or can you be a little more specific so we can run it down?

Mr. Haggerty: I have a list of names here but I just cannot pinpoint which ones. There is a whole list of them here that she has given me and I do not want to get into—

Hon. Mr. Randall: All I say is if you have no objections to giving us the names, we will run them down when we get out of here.

Mr. Haggerty: I had better go back—she has asked me to go back and see her, so I will get the names then and I can—

Hon. Mr. Randall: Yes, get us some specific details as to the complaints she has about them being new arrivals here from the old country and getting priority over anybody else. We would like to know about it.

Mr. Haggerty: This is what she advised me in this letter—that they are getting priority over the residents.

Hon. Mr. Randall: She may be right, I do not know. But on the other hand, I want her to be more specific and we will run it down. It is not in our interest to accept that kind of condition—anybody arriving here today and getting into housing tomorrow—when we have got other people in here for years sitting around waiting for housing.

Mr. Haggerty: In fact she has left the impression there is one woman who took off to Europe, to England, and came back with

some friends over there and established them in the home. Now I am not going to give you the names.

Hon. Mr. Randall: I will tell you what to do. If you can get the names, we will send somebody over to investigate quietly without getting anybody into difficulty. We will find out what the problems are.

Mr. Haggerty: One of the other problems is, the local agent who is looking after the homes in the area is from Welland and this is about 20 some miles away.

Hon. Mr. Randall: As you know, as we said the other night, I do not know if you were here the other day or not, but we said that we were changing the housing authority system to an area system. So it is quite possible that the man from Welland will look after four or five areas around there now with a management staff which will give us better coverage than we have had previously.

Mr. Haggerty: If I can get additional information, but if you have the time to send out this agent and make a complete check into—

Hon. Mr. Randall: You let us have the information, we will follow it up. We will be delighted to.

Mr. Chairman: The hon. member for Windsor West.

Mr. Peacock: Now—

Mr. Chairman: Now is the hour.

Mr. Peacock: Now, Mr. Chairman, you will have to suffer through some long, dull remarks. They are going to be in the form of questions. Perhaps I could remind you, this is the first time my name appears on the record for OHC since Monday afternoon, from the start of this vote.

I will have to go back a bit to some of the early discussions to raise some of these questions. The first one relates to Headway Construction. You did permit me one or two questions at the time we were discussing Headway. However, I did not get to ask a few of the others that I wished to at that time. I recall the information provided to us by Mr. Goyette when he said that Headway, in most of the—or perhaps on balance, I believe, is what he said—on balance for those projects which Headway was the successful proponent, it was the sole proponent and—

Hon. Mr. Randall: I think it was in seven cases or something.

Mr. Peacock: No, I believe his words were on balance, or approximately half of the projects, because they tended to be sited in small communities, Headway was the sole proponent. And then followed a discussion about the manner in which OHC verified the cost of land to the proponent in calculating whether that was a proper or realistic cost of land and that where OHC's appraisers felt that the cost of land being offered by the proponent was not within the limits, the proposal would not be accepted. I would like to ask now if for any proposal submitted by Headway, were any rejected because the cost of land was out of line beyond the limits that OHC had set?

Mr. Goyette: Yes there were.

Mr. Peacock: Could you tell us what those were? By number, location—

Mr. Goyette: No, I could not by number. The only other criterion I could give you was that I think they were successful in something like 60 cases out of about 200.

Hon. Mr. Randall: Two hundred and sixteen.

Mr. Goyette: Two hundred and sixteen. In other words, in over two-thirds of the cases they were not successful, and that would be for various reasons, most of which would be the cost, some of which could be land and some of which could be building, and I do not have a tabulation on that basis.

Mr. Peacock: Would it be practicable for us to have that information before the committee rises? Not today, but before it rises at the conclusion of its consideration of the estimates? The 216 were 216 proposals from Headway itself?

Hon. Mr. Randall: Let me say that we have said here in 18 cases Headway was the only proponent. In 70 cases only two submissions were received. What you are suggesting is that there were 216 proposals by Headway, and you ask how many proposals we turned down. They must have turned down all but 61, because they got 61 jobs. Now you are asking what?

Mr. Peacock: Right. I was not interested in knowing the instances where they were turned down and there were two or more proponents for that project; I was interested in knowing whether they had been turned down in any case where they were the sole proponent.

Mr. Goyette: I think we are going to have to look that up. It is possible, you know, that the site itself may not have been acceptable, but I will look that up for you.

Mr. Peacock: I was thinking primarily of the cost of land as the factor in the rejection. The 400—

Hon. Mr. Randall: Let me ask you a question, do you want a particular period or do you want to go right back to the first bid that they made? It depends how much work you want us to do. We can go back for 216 cases. We could go back when—

Mr. Peacock: No, no.

Mr. Goyette: You are probably talking really about the 18 cases—

Mr. Peacock: That is right.

Mr. Goyette: There were 18 cases in which they were the sole—

Mr. Peacock: Where they were the sole proponent.

Mr. Goyette: —more than any other cases where we would have turned them down. We will look that up. The expectation is there would not really be very many, because we would probably be very glad to accept—

Mr. Peacock: You pretty well had to accept the proposal.

Mr. Goyette: —them within the criterion of an acceptable price.

Mr. Peacock: I raise it because of the situation in Windsor, where the 400-unit senior citizens' high-rise development on Ouellette Avenue was acquired by option, initially of course, by the proponent, and several transactions took place prior to the acceptance of the proposal by Ontario Housing Corporation which had the result of a fairly substantial increase in the value of the lands in which the proponent proposed to build the 400-unit project.

That is why I think the builder proposal method of developing housing deserves examination in that respect. You may have a situation such as that, where the land changes hands a number of times within a relatively short period of time prior to the OHC issue of the proposal, and OHC comes along and finds that it is buying a piece of land—and in that particular location, in Windsor, of course, it was under development pressure for a year or so before the OHC proposal was initiated and consequently the price was considerably

higher than it would have been had some other development gone in there a few years before.

I am not suggesting that OHC had any particular control over that situation, but I was interested to know how OHC could hold down the price of the land component of a project such as that where they have built on prime development property. That is why I raised the question.

Hon. Mr. Randall: The point I think that is worth mentioning here is, let us assume there were three owners of that land prior to the starting of the deal with the Ontario Housing Corporation. We would have no way of going back to the original owner and saying we are going to pay the price that he sold it at. I think you recognize that. In other words, if we have made an option or a deal with a particular guy to buy it, and the deal has been made between developers of buildings, let us say, developers of land, we find ourselves nine times out of 10 buying off the final owner of the land who has legal title to it.

Mr. Peacock: Exactly. Oddly enough, the example you used, three transfers of title, did, I believe, in fact, occur in this instance in a relatively short period of time. So once the interest in the property had developed, by the time OHC came along, it was possibly at its peak. The land was at its peak market value. That project is on land that is probably as costly as any on the street in that particular location.

But you surely are in a position to go to the registry office and look up the earlier transfers within a recent period of time, and I am sure you do this, to obtain information about the price at which the land has been sold in a recent period of time, prior to your acceptance of the builders proposals. You do this do you?

Mr. Goyette: We ask for evidence of the price at which he had bought the land.

A second point which comes in here is that there is a built-in limitation as well on the competitive system. For example, we bought that, I think, at a round figure of \$10,800 per unit on Ouellette Ave., which I think you would recognize as one of the very best locations for those senior citizens. So the land has to be kept down in the offer, which is part of the package—land and building. Otherwise the person would not be able to compete and make that project available to us on a project basis. I think that was a pretty good deal.

Mr. Peacock: To fit within the \$10,800 per unit price?

Mr. Goyette: Yes.

Mr. Peacock: He has to be able to absorb his cost of land.

Do you also independently check with the registry office on the value, rather, on the sale price of the land, in earlier transactions within a recent period of time, so that you have some leverage in your negotiations with the proponent?

Mr. Goyette: Yes, that exercise is performed by the appraisers—

Mr. Peacock: Right.

Mr. Goyette: —who try to keep themselves informed on what the appropriate market value would be.

Mr. Peacock: May I turn now, Mr. Chairman, on the same matter of land development to one aspect of the HOME programme at Bramalea.

Where a person has entered into a lease arrangement and constructed a house on a Bramalea lot under the HOME programme and has subsequently defaulted on payments and vacated the home, does the house itself, the structure, revert to Bramalea Consolidated? If so, is Bramalea then free to sell it at whatever market price, at whatever a willing buyer is prepared to pay?

Hon. Mr. Randall: No, we have options in there.

Mr. Goyette: The answer would be no. The main reason is we own the land, not Bramalea.

Mr. Peacock: I understand that OHC retains title to the land except under the out-right purchase, which you had a number of, initially, and no longer permit. But in this particular instance, I believe, the lot was leased, and the first owner defaulted on payments and vacated. In that situation, I understand, the land remains with Ontario Housing Corporation. However, does Bramalea Consolidated at that point have the right to market the home and offer it for sale?

Mr. Goyette: No, the person involved there would be the mortgagee, who would have the first right against it.

Hon. Mr. Randall: I think we also placed a \$500 appreciation per year on the house.

Mr. Peacock: Appreciation?

Hon. Mr. Randall: Yes. So that when the man moved in there, if he did not have a finished basement or his terrace was not finished, he finished it. We put on a limit of roughly \$500 per unit so that he could not gouge the next fellow coming along, or if it came back into our hands we had a saleable unit.

Mr. Peacock: What would the appreciation be now on a three-bedroom home in Bramalea?

Hon. Mr. Randall: Well, the land has gone from the original price of \$9,200 up to \$13,500; that was the last price we got in Bramalea on those same 1,666 lots.

Mr. Peacock: That is OHC's own evaluation.

Hon. Mr. Randall: It tells me houses in the same area have a value of about \$30,000.

Mr. Peacock: But in the example I am discussing, does OHC then say to a prospective leaseholder applying under the HOME programme, "We now are renting you this same lot, initially valued for leasing purposes at \$9,200, in today's market at \$13,500"?

Hon. Mr. Randall: No, we leased them at an average of \$6,600, which was our cost.

Mr. Peacock: \$6,600?

Hon. Mr. Randall: That is right. The sale price would be \$9,200 if they bought the lease or had an agreement for sale.

Mr. Peacock: All right. Back in 1968 the monthly carrying charges for leasing were based on an evaluation of \$6,600. Are they now based on an evaluation of \$13,500?

Mr. Goyette: First of all, we have none—

Mr. Peacock: None which have reverted to you.

Mr. Goyette: Right, and there were only two freehold cases. If there were any that reverted back, they would stay at the \$6,600. They would merely carry on the rental on this.

Mr. Peacock: You would offer such a vacated home to a new tenant, the new leaseholder, at the same monthly lease cost?

Hon. Mr. Randall: The objective of the programme under HOME was not to allow anybody to take advantage of assistance in the first five-year period. After five years, of

course, if they have bought the land themselves at that time—say they exercise their option to pay \$9,200 for it—then I would think in the next month, if they want to go out and sell it for the \$13,500, which their appreciation is on the house, they can go ahead and do it. After five years, we think that they are entitled to make their own—

Mr. Peacock: No. I was just speaking of the case where a person had fallen down on his payments and got out of the lease agreement.

Now, in respect to the agreements between Bramalea and Ontario Housing Corporation which were announced last year, under which two blocks of land were acquired by Ontario Housing, referred to in the agreement as schedule A for 1,037 units and another schedule B for 3,565 units. There is a reference in that agreement to the necessary legislative authority for OHC to pay a grant in lieu of taxes on each block of land to the municipality.

Can the minister tell us is he is going to be requesting the Legislature to enact that necessary authority to pay grants in lieu of taxes to the municipality?

Hon. Mr. Randall: If I am correct—perhaps, Mr. Hermant, you could comment—if I am correct the recommendation is to have it amended.

Mr. Hermant: The board of directors of the Ontario Housing Corporation has agreed to pay grants in lieu of taxes on that land as of a date that will be retroactive—I do not have the date at the present time—and legislation is being prepared which will be submitted to the minister for submission to cabinet.

Mr. Peacock: Still on that agreement, Mr. Chairman, I recall that the closing dates were June 30, 1969; or at the option of the vendor, the agreement will be null and void if he could not obtain the necessary approval from the township for zoning and the issuance of building permits. Can the minister tell us whether a closing date has been effective yet on that agreement between OHC and Bramalea?

Mr. Hermant: In March of last year.

Mr. Peacock: So Bramalea has obtained its necessary subdivision approvals from the township.

Mr. Hermant: The plans of the subdivision are registered—

Mr. Peacock: And it has obtained agreement from the municipality for building permits for the construction of town houses.

Mr. Hermant: There are some building permits issued now and there are some presently, on the first 1,037.

Mr. Peacock: The agreement, I believe in respect to either part A or part B, is subject to cancellation by Bramalea if it cannot get the building permits for town houses on either block of land.

Mr. Hermant: Ontario Housing Corporation is the registered owner of all that land at the present time—the 1,037 houses on No. 7 highway, which is phase 1, and the 3,565 units north of No. 7 highway, which is designated as phase 2. I believe building permits have now been issued for at least two blocks of land in the phase 1 area now. I believe servicing is presently under way, as of several days ago, for 400 or 500 units at the present time.

Mr. Peacock: Can we find out, Mr. Chairman, which method of payment of the balance of the purchase price by OHC did Bramalea choose—the non-transferable debenture or the agreement to pay?

Mr. Hermant: The phase 1 portion of that transaction was completed with a cash down payment of one-third and an agreement to pay over 15 years for the balance.

Hon. Mr. Randall: And what were the interest rates?

Mr. Hermant: Seven and one-eighth.

Mr. Peacock: Has the vendor chosen which he wishes for the second part, schedule B?

Mr. Hermant: No, that was paid in cash.

Mr. Peacock: That was all cash?

Mr. Hermant: It closed for an entire cash transaction.

Mr. Peacock: I think, Mr. Chairman, in respect to Bramalea, that is all I wanted to ask at this time. One other question I had was, could the minister tell us why, in the agreement, the company's responsibility for the development costs, for which the township was paid \$11 million, was lifted forever in the terms of the agreement? Why was there not some definite period of time, some limit, put on that obligation?

Mr. Hermant: The obligations would normally have been those of Bramalea Consolidated for the provision of industrial

assessment to balance the residential assessment in that area. There was an agreement made, between the municipality of the township of Chinguacousy and Bramalea, for a lump sum payment in tax by Bramalea to the township in lieu of those industrial assessments. Upon the closing of that transaction, Bramalea Consolidated paid to the municipality \$11 million in tax at that time as consideration for the release of that requirement of the subdivision agreement. That was done simultaneously with the closing.

Mr. Peacock: That was done strictly between—

Mr. Hermant: Between Bramalea Consolidated and the Township of Chinguacousy. I want to make that very clear, because there was an implication several days ago that the province of Ontario, through Ontario Housing Corporation, made that payment to the township of Chinguacousy. That was not the case. That payment of \$11 million was made by Bramalea Consolidated directly to the municipality. It probably was out of the balance due on closing of that transaction and was done simultaneously, but I was personally party to that closing. It was a simultaneous transaction.

Mr. Peacock: Did OHC render any assistance in convincing the township to surrender—

Mr. Hermant: None whatsoever to my knowledge.

Hon. Mr. Randall: If you have ever done business with Cyril Clark, you do not render any assistance.

Mr. Hermant: Not to my knowledge.

Mr. Peacock: Mr. Chairman, on another subject.

Hon. Mr. Randall: If you cannot read writing you can sure make money. I wish I had never learned to read and write!

Mr. Peacock: We know the questions you want to entertain on Bramalea. I wonder if the minister or his officers could tell us in some detail about the consulting contract with Peter Barnard Consultants?

Hon. Mr. Randall: That is the consultant we are using now for—

Mr. Goyette: Yes, we have a contract with this consultant, which started last August and carries on until August of this year. It was

a contract in the amount in total of, I think, \$50,000. The purpose of the study is to assess for the Ontario Housing Corporation the possibility of using in the province of Ontario, and in Canada, the systems building approach which has been so prevalent in several of the east European countries. The board of directors will be expecting a report from this consultant in finality in the month of August this year.

Mr. Peacock: Is this undertaken solely by the consultant or were officers of the corporation involved in the study as well?

Mr. Goyette: In this particular—

Mr. Peacock: Contract with Barnard.

Mr. Goyette: Yes. As part of his contract, he arranged to interview various staff people and some of our records and costing and opinions. There has been consultation, particularly with our professional staff as represented by the architects, the engineers, and the appraisers.

Mr. Peacock: Has the Barnard firm been overseas to make its study?

Mr. Goyette: Individual members of the Barnard firm, to my knowledge, have been going overseas for quite a few years.

Mr. Peacock: But on this particular contract?

Mr. Goyette: Yes, I believe, in one instance the principal himself went, but what they do would be their own arrangements within the overall—

Mr. Peacock: Were they accompanied by officers of the corporation?

Mr. Goyette: No.

Mr. Peacock: You have had considerable work done within the corporation itself on the systems building approach in Ontario. I recall the conference the minister put on at the Inn on the Park last spring.

Hon. Mr. Randall: We have been looking at systems, you know, since the housing corporation got under way, but it has only been in the last three years that systems building has come to Canada.

Mr. Peacock: Right. I was in attendance at that.

Hon. Mr. Randall: Probably in the United States too. The reason for our major interest right now is because of the Chapel Glen

Village which will be a condominium construction worth about \$65 million. As I said the other day, this is an area where the information we are getting from people like Barnard will be of invaluable help to us in creating that village.

Mr. Peacock: No representatives of the corporation itself have been over to Europe to look at —

Hon. Mr. Randall: Yes, our people have been overseas. Some of our people were overseas five or six weeks ago. Mr. Snow, our —

Mr. Goyette: Yes, we have had people going over from time to time. It started probably some 9 months ago. The chief architect of Ontario Housing Corporation was invited to be the speaker in Denmark on housing in Canada. Officers of the corporation have been over on a couple of occasions. A group went over recently for a couple of weeks.

Mr. Peacock: Who were they, Mr. Chairman?

Mr. Goyette: The group was made up of the members of the board of directors and three or four staff persons.

Mr. Peacock: Four?

Mr. Goyette: Four.

Mr. Peacock: How long a trip was that?

Mr. Goyette: The trip was for a period of two weeks. It was, I think, about the end of April — the last two weeks in April.

Mr. Peacock: Can you tell us what was learned on that trip? What countries were visited?

Hon. Mr. Randall: From talking to Mr. Snow, the member for Halton East, and some of the directors I do not think they learned a great deal — as most people find when they go to Europe — looking at housing. Everybody seems to think that you have to go to Europe, take a look at what they are doing over there, and come back to do the same thing. What they found out, what I found out, in most of those countries is that they do not build units like we build them here. They build them too small. Our people would not accept them, even welfare people would complain about them being too small.

Mr. Peacock: You referred to them last year as hutches.

Hon. Mr. Randall: I have seen them all over eastern Europe. I recognize that some of those countries lack money and Europe, as you can appreciate, is crowded. But they build a lot of amenities into them that perhaps we are looking at over here. This is really the thing we could probably learn from them — not the squeeze particularly, but the amenities they build in for the people.

I went all through the Swedish housing area, the day nurseries; I have seen what they do there. The cafeterias and what-have-you but, as far as the living conditions are concerned, I saw them long before I came with the government. I saw it when I was in the washing machine business and we had our own coin laundries in stores over there.

I saw them in Holland. In most of those units in Holland you could not swing a cat, they were so small. I think some of them are about 700 square feet or less. I have seen them in Hong Kong — 370 square feet with six people assigned to them.

I just point out that I do not think we can learn a great deal in Europe, but it is obvious that they will say to us "Have you seen what they are doing in Europe, particularly in systems building?"

As I pointed out the other day, systems building is fine if you can get mass building, such as they get in some of the European countries, which we have not been able to arrange here. But insofar as the accommodation is concerned, I do not think it is anywhere near as good as the accommodation here.

In fact, I think Mr. Andras made a statement—he just came back from a three- or four-week trip all over Europe; he phoned me before he went — he has just come back and I think he made a public statement the other day that nowhere are they building housing as fine as they are building right here in the province of Ontario. He said it, I did not say it. I will have to frame that.

I point out that I do not think we have a great deal to learn from going to Europe. Maybe we will learn something about a new material or maybe learn how to put up a building a little faster. But the systems people themselves say those systems have been inherited from Europe and if there is any good in them, they have their plants over here. I think they can be used to speed up, perhaps, some of our construction but I do not think they are going to be any cheaper in the long run.

Mr. Peacock: Just one last question on this subject, Mr. Chairman. Could the minister provide the committee with the names of the board members and staff who went on the most recent visit?

Hon. Mr. Randall: I will be glad to.

Mr. Peacock: Could I turn to just one other area?

Hon. Mr. Randall: You could have them now if you want.

Mr. Peacock: All right. All the persons on the corporation staff connected with the architectural or housing development, the construction of housing?

Hon. Mr. Randall: They are the directors of the Ontario Housing Corporation.

Mr. Goyette: And one staff person who organized the trip.

Mr. Peacock: There is one other area, Mr. Chairman. I would just like to ask the minister or one of his officers a few questions about, then I will yield the floor so that you can invite someone else to speak.

Recently, I believe it was November, 1969, the corporation completed a survey at the request of the city of Windsor, on the need for senior citizens' and family housing in the city of Windsor. Mr. Goyette kindly forwarded me a copy of the report, which basically recommended that 400 senior citizens' units be developed as a first phase and 332 be held over for next year.

There was also in the report a recommendation in respect to family housing needs in the city of Windsor, which concluded that the present number of family units under construction—395 I believe—was sufficient to cover what the corporation's survey had held to be a need for 376 family units.

Subsequent to the release of the report, the Windsor housing authority apparently took some initiative and followed up a number of questionnaires sent out by the housing corporation to family applicants on the list, as of November, 1969. Of the 499 questionnaires which had not been returned, the housing authority were able to contact approximately 100 who indicated a genuine need or interest in having family housing with the Windsor housing authority.

I wonder what is going to be done in respect to that finding by the local housing authority, which would appear to indicate the need for additional family units over and above what are already under development?

Mr. Goyette: Yes, you are right. We have discussed it with the city of Windsor and the city of Windsor has suggested that we do not carry on with any additional family units at this time. We have 395 family units under construction. The survey that you have indicated covered about 375 or 380, and by chasing up those people who did not respond another 100 came up.

The city has suggested that as there may be some additional projects for the city of Windsor, which will be financed under the \$200 million innovative fund, it might be better to wait, as there may very well be applicants of a little higher income who might apply for that housing.

Our programme now is to go ahead with the senior citizens' and carry on the units under construction for families.

Mr. Peacock: Is that advice from the city since its council meeting of May 19, do you know?

Mr. Goyette: I have to get the date of this thing. We got this information from the housing authority manager. We would support this kind of view.

Mr. Peacock: That independent study which the authority did was relayed to the mayor's committee on housing.

Mr. Goyette: Incidentally, that was not an independent study, it was part of our own.

The method in the survey is to send out a good many forms. Some come back and some do not. The next phase is to try to see if you can seek out those people who did not send their forms back. Because there was urgency about the city of Windsor senior citizens' units, it was decided to send that report, to which you referred, to council and to proceed immediately with units for the senior citizens.

Mr. Peacock: It was certainly the recommendation of the mayor's committee on housing to recommend to city council that the city see what the results of this telephone follow-up of the unreturned questionnaires would be and to recommend that Windsor ask OHC to consider building 150 units of public housing in addition to the 395 under development.

That housing committee recommendation was to go before council on May 19 and I am wondering if OHC has been advised of the adoption of the council's recommendation?

Mr. Goyette: I see. There was a resolution apparently, but apparently there have been some second thoughts about it and they

have decided to ask us to hold up that request too. So we really do not have a formal one and we will wait and see what happens.

Mr. Peacock: Are you in a position, though, as a result of your own housing authority's further follow-up, to make a recommendation to city council?

Mr. Goyette: We have discussed it with them. I think, at the present time, on the basis of the discussions that have taken place—and this is my personal observation—we would not likely go ahead with 100 specific family units right now. We have got 395 under construction. We will see how that goes and if a need is established, we will carry on with them next year.

As you know, there are also financial limitations within the budget and, while we do not have definite allocations per city, you have some indication of which way it is going, and this is something we have looked at for next year's budget.

Mr. Peacock: The minister knows how much concern we have expressed over this manner of housing development in the last two sessions of the Legislature. He knows that I just do not have any confidence in the adequacy of the survey method to determine the real extent of the need and demand for housing for those who cannot get into the private housing market themselves.

He has frequently thrown the statistics at us that half the people are just not interested. I see the monthly statistics of the housing authority, Mr. Chairman. I see the number of new applications which come in and I know that the vacancy rate is such. It is so low that there is simply no way for any significant proportion of the persons on the application list to find housing among the existing units. There has not been a new unit of family housing opened in Windsor, as a result of the OHC project, since January, 1967.

I am not sure when the 395 units will be completed, but it is unlikely that they will be ready much before the end of this year. That means a four-year lag behind what is, I think, a steadily building number of family applicants on the list, many of whom simply give up and cannot wait. They lose any hope, any confidence, any expectation of finding a place with Windsor Housing Authority. And it is true in other large centres as well because the vacancy rate and the turnover rate are so low because of the knowledge, perhaps for some of them, that the number of units under development is

so small and will take such a long time to reach completion.

Then, in addition to those who keep an application on file but give up hope and do as the minister has said, others neglect to keep the housing authority informed of a change of address or other change of their circumstances, sometimes for the worse, which might well make them more eligible later than at the time they first applied. In addition to those, there are persons who never apply and who reach the waiting list only by accident or because they have got in touch—as the member for Windsor-Walkerville and the minister were discussing a few moments ago—got in touch only at the last extremity, only in the case of absolute emergency. I do not think that this questionnaire method of examining the extensive need is effective. Perhaps the minister has knowledge of some other survey methods that the corporation has undertaken. I hope there are new methods of determining need being developed, because the questionnaire method, in my mind, simply does not accurately estimate the extent of the need. Many families in substandard housing continue to pay far too high rents, continue to live in overcrowded conditions, or have to divide their family because they have no expectation of ever being able to be admitted to a Windsor housing unit.

Hon. Mr. Randall: Let me suggest this: I think we must be guided by the municipality to some extent and your municipality has, regardless of whether it is right or wrong, recommended this. It remains to be seen, as you have suggested. We talk about another 100 units on which they have seen fit not to pass a resolution or withhold a resolution at the present time. But in addition to that, we have built something like 500 units under the HOME programme down there which could have housed a good many people who would normally drop back into public housing, as you can appreciate. The difference between qualifying for public housing and being able to finance under the HOME programme is not very great. In this instance here we felt that we have about 125 lots on the go in Windsor at all times under the HOME programme. This has provided some pretty good housing in Windsor, as you can appreciate.

Insofar as the survey method is concerned, we are never satisfied with any survey. The survey is no different to anybody else's surveys. I think, like the pollsters—how long were they in Quebec?—these fellows are mak-

ing surveys too and they do not always get the proper information, so I do not think that anybody has the perfect solution insofar as surveys are concerned. As Mr. Goyette has said, we send the survey out, then we go back and hammer on those we get back and see if we can qualify them. It is pretty difficult if you do not get a reply from these people; you must assume that they are no longer interested.

They could probably have found other accommodation and they say—"Why bother sending another letter back to another government agency?" A lot of that goes on, as you recognize. But if you have got a better method of survey, let us have it. We are quite prepared to look at any survey methods that anybody can put forward, because we recognize there are weaknesses in the surveys.

Mr. B. Newman: Mr. Chairman, would the minister consider using university students for conducting a door-to-door type of survey? Our students are looking for employment. There is a way that you could probably get an actual count as to the need for housing—by visitation method using university students.

Hon. Mr. Randall: The students would still have to have the material on which to solicit the information which would be factual.

Mr. B. Newman: You would provide them with the questions to be answered.

Hon. Mr. Randall: Wait a minute, if a person found a student at his home and the student said, "Are you interested in public housing?" and the man said, "Yes, fine," the student would still have to have a form, which I think the hon. member here is pointing out. He would have to solicit sufficient information from that applicant to give us probably a truer respective of what is required in housing.

Mr. B. Newman: You would set up the type of form, the questions to be asked, and the student would be the go-between yourselves and the individual needing housing.

Hon. Mr. Randall: I appreciate that, but what we are talking about now is what kind of material could go on a form that would give us the information we want.

Mr. Peacock: I was just going to say that this is one of the basic areas of difficulty as I see it from my contacts with applicants and with the housing authority. When a person arrives at the housing authority office to make an application, he is asked to give

certain information about his family size, his earnings, his present housing circumstances and so on.

Very often the person at the housing authority desk relies on the applicant to give the pertinent information. The applicant may simply not know what is valid or relevant about his particular circumstances to enter on that application at the time he appears at the housing authority office. Then at some later date the housing authority will draw that application out for consideration if an appropriate unit becomes available. I understand—and I believe this is the practice both in Toronto and in the local housing authorities—that the application goes into suspense, is put to one side, if an appropriate unit is not available at the time the application is made.

When an appropriate unit becomes available, all of the applications for that particular space — three-bedroom, two-bedroom, four bedroom or what have you — are reviewed and then a visit is made to the applicant and the circumstances of the applicant's housing, overcrowding, health or safety factors, are then assessed by the home visitor. And it is only at that point that the housing authority actually obtains a full picture of the person's need and can then rate that application in relation to all the other applications it has on file, for instance for a four-bedroom unit.

Now in Windsor—perhaps because of shortage of staff, I do not know what other reasons—many applications sit on the file for a very long period of time without any visit being made. A visit could well discover the real extent of the emergency and the real extent of the adverse conditions that the family is living in and might well give that application priority over another if the circumstances were known to the housing authority. I believe this is one of the areas where a number of applications fall into suspense. They may never be followed up because an appropriate unit may not become available; the home visit may therefore never be made, the application languishes on the books of the housing authority and the applicant gives up hope and does not keep in touch.

I think that is one of the basic, fundamental problems with the processing of applications and also, therefore, with the measurement of actual need. Ultimately you are going to get a good number of applications where there will be no answer to your questionnaire because there has been a change of address or because there has been a loss of interest. Is

that the case in Toronto? I believe it is the case in Windsor.

Hon. Mr. Randall: As a home-town boy from Windsor, you are familiar with it.

Mr. Riggs: Essentially, the outline that has been enunciated is reasonably correct. There is one deviation. When an application is received—

Mr. Peacock: You mean there is one exception.

Mr. Riggs: Pardon me, there is one exception. I stand corrected. When an application is received, under our regulations or procedures, it is pre-pointed. On the basis of this pre-pointing, the need or level of need is established by order of need. Under our procedures and those of all housing authorities, they are to be home-visited on the basis of that point rating as quickly as possible. If, at that time, there is not a unit available in the bedroom size that is required by the family, then of course the application is held pending until the bedroom size becomes available.

Mr. Trotter: How long does "pending" mean?

Mr. Riggs: It depends sometimes upon the number of units under construction.

Mr. Peacock: Mr. Riggs says the visit is made whether or not the unit is available, is that correct? As quickly as possible after the pre-pointing of the application?

Mr. Riggs: Depending upon the priorities established by the pre-pointing.

Mr. Peacock: The chief four of those priorities being notice to vacate, writ of possession to vacate, the overcrowding of the family, the splitting up of the family in order to get enough room, health problems and so on. I will just complete this one thought, and then I will yield the floor. From my observation, though, a great number of applicants do not receive a home visit. Perhaps by accident, and the knowledge of the circumstances that the family is living in is brought to the attention of the housing authority by a doctor, by a clergyman, by a member of the Legislature, by a social worker, because no home visit has been made. I think it essential that staff must be provided, and I believe there is a budgeting system in the housing authorities based on the number of units which limits the number of staff available. In this category of home visiting, it is imperative that a number of

qualified trained people be available to get out and make that visit as quickly as possible, because it is only at that point, I believe, that you can make your objective assessment as to who gets priority. If the home visit is not made, someone is missing their place in line for the available housing.

Mr. Chairman: The hon. member for Parkdale.

Mr. Trotter: I just want to ask one question. Would it be possible for us to see what is called the tenant placement manual? I believe there is a tenant placement manual.

Mr. Riggs: I am not quite sure. There is a housing authority manual, which is used across the province of Ontario. The member may be referring to that.

Mr. Trotter: I just heard it referred to as the tenant placement manual; it is supposed to contain instructions on how to treat a tenant.

Hon. Mr. Randall: It is a housing authority manual.

Mr. Riggs: There is a housing authority manual that is available.

Mr. Trotter: Could I see one when we have a chance? When we come back?

Mr. Riggs: Yes, sir.

Mr. Chairman: Have you any answers to the questions from the hon. member for Windsor West, Mr. Riggs? Any further answers?

Mr. Riggs: I think the only point is that in the 1970 budget of the Windsor housing authority there were additional funds for staff to bring about an increase in home visits and this has been recognized.

Mr. Chairman: The hon. member for Windsor-Walkerville.

Mr. B. Newman: Mr. Chairman, I wanted to repeat what I have said earlier concerning the use of university students in an attempt not only to provide them with employment but to give them a useful type of experience. I think in any future type of a survey in the community the minister should consider the students at the local university, and I am going to refer to those who are in the school of social work, to whom this could be an educational experience, a rewarding experience and an opportunity likewise to supplement income to enable them to carry on their future education.

May I ask of the minister if they published lists of priorities for various housing projects or simply for housing? In the city of Windsor, is there such a thing as a list of individuals who are next on the line to obtain housing?

Hon. Mr. Randall: Yes, that is the way the list is made up. It is made up on the point system.

Mr. B. Newman: All right. Is that list available to the public?

Hon. Mr. Randall: I do not know.

Mr. Riggs: The point rating system with the pre-pointing of applications is done on the applications received. Since the point rating is based upon the need of the individual, as new applications are received the level of that application may either rise or decrease depending upon new applications coming in, so that today, if you, sir, were the 12th on the application list for a three-bedroom accommodation, and we received 30 new applications from families with a greater need because of frictions or health problems or income problems and so on, you could then become 42nd on that list on that particular day for that accommodation.

Mr. B. Newman: Is that information available and given to the individual who applies for housing?

Mr. Riggs: At any time this information is requested by the applicant, this is explained to him in detail.

Mr. B. Newman: Why should it be requested by him? Why should it not be a right of his, to be provided to him at all times so that he does not come along and sort of be under the understanding or the misunderstanding that well, there is no chance of getting housing in here, so-and-so is going to get it before him? As a member, you get calls from all types of people who will tell you that so-and-so just came in from Nova Scotia and he is in a housing unit within a month. You will have others who say they just came in from overseas and they have obtained housing.

If there was a list published where the individual who comes into the housing authority can see just exactly where he stands on that list, and if he were provided with the terms of reference, the conditions under which the point system is used by the housing authority in the providing of housing, I think it would serve a good public relations need. I think it would probably allay the

fears of many of the people. They would know that in six months or eight months they were going to get housing. This way they are very much disturbed. They are afraid that they may not even be able to out-wait the day that housing will be available to them.

May I ask the minister if he would make the details of the point system available to an applicant for housing so that he would know just exactly how he could rate?

Hon. Mr. Randall: Any applicant can come into the housing corporation and find out where he is on the list. We have no intentions of making it public in the daily newspaper or sending him a list with all the people that are on the housing list.

Mr. B. Newman: I do not care for it—

Hon. Mr. Randall: It would not serve any useful purpose. They can come in and find out where they stand on the list. But let me give you an example of what happened. The hon. member for Scarborough Centre's husband called one day and said there was an old man about 85 in the back of a garage down here—on Ontario Street, I think it was. "For God's sake, can we not do something for him?" he asked. The next afternoon I think we had him in a bachelor apartment in St. James Town. He went on the list ahead of somebody else who probably should have had it.

Now, if you had been on that list and you had said: "I wanted that apartment—how come he got it?" I would say he had dire need. That man was almost living in the street and this is what happens. We have cases where these people are desperate and they must go ahead of somebody whose situation is not as desperate.

As for the fellow who is on the list, sure we are going to get an argument—we cannot blame him.

Mr. B. Newman: Yes, but you see under the point system there could be sufficient points allotted to an emergency like that to give that individual priority ratings.

Hon. Mr. Randall: Yes, but he still got ahead of the other fellow on the list no matter how you do it, Bernie. You have removed one unit. This man is one unit further away from his priority position. This is the difficulty.

Mr. B. Newman: Maybe you do have an argument there. It is a good point, Mr. Minister, but I think that you should be providing to the individuals the point system so that

they would know—not that they have to ask for it, but as a matter of right. You should provide it so that they could at least figure by themselves just exactly where they stand. May I likewise ask of the minister, how many of the lots in the Fountainebleau subdivision remain to be sold yet?

Mr. Goyette: Two hundred and eighty-nine.

Mr. B. Newman: Why are they not being sold? Are they all serviced, by the way?

Hon. Mr. Randall: They are all serviced. They tell me the builders have had problems getting mortgage funds. Now that we are in the mortgage field I presume somebody is coming in to see us if they want mortgage money.

Mr. B. Newman: Will they be for sale now at the cost price?

Hon. Mr. Randall: Yes, they are for sale.

Mr. B. Newman: And what is the cost price?

Hon. Mr. Randall: They are leased. They are not for sale. They are leased.

Mr. B. Newman: None of these 289 we are talking about is for sale? They are all for the HOME programme?

Hon. Mr. Randall: All on the HOME programme.

Mr. B. Newman: Will they be leased on the HOME programme at your cost price?

Hon. Mr. Randall: Yes, that is right.

Mr. B. Newman: It will be at your cost price. Has the minister approached the municipality with the possibility of using the 30-foot lots that are scattered throughout the city for some type of housing?

Hon. Mr. Randall: I could not tell you. We have not done anything like that.

Mr. B. Newman: The former mayor upon his retirement from public office did put up housing on 30-foot lots. Naturally the home would only be 22 feet in width. But they did serve a need. They were on a concrete slab; I have not heard any complaints that they would have liked more room. But it did serve a specific need.

I am just wondering if the department has looked into the possible use of these 30-foot lots scattered through the community. You could probably provide accommodation with-

out collecting everyone in a given area and you would get away from this "ghetto-izing" of individuals that housing areas tend to develop.

Hon. Mr. Randall: These are 30-foot lots scattered around the city?

Mr. Newman: Yes, scattered around the city.

Hon. Mr. Randall: Is there anybody who would offer them to us? If you think that we could utilize them for housing purposes we would be glad to take a look at them. I might say that in some areas — I think you get some in Windsor — if we are going to build town housing we can build a house on a 30-foot lot or we can build it on a 50-foot lot depending on the size of the family. You can concertina-ize the house if you build it in the condominium style. You recognize this is what some areas are permitting us to do.

Mr. B. Newman: I do not look upon that because I do not think everybody wants a condominium home you know.

Hon. Mr. Randall: I know, but I am just saying that if land was available, you could build different-size houses in that block.

If there are single family lots scattered around the city, nobody has come forward yet and offered us any lots, but if there is anybody who has got them, we would be interested in seeing them.

Mr. B. Newman: The other day I spoke to you on the sale of homes in the Bridgeview subdivision and remember the little hassle we got into over the thing? This does not go back to when you originally said you were going to have the homes for sale. Wednesday, November 27, 1968, you said that Windsor's Bridgeview and Essex Court subdivisions, could be sold without any legislative changes. That was in 1968, but there have been no formal proposals for the sale of the homes submitted to Central Mortgage and Housing by Ontario Housing.

Hon. Mr. Randall: No legislative changes required, but policy changes by Central Mortgage and Housing were required.

Mr. B. Newman: I will let it go. You are playing with words there.

Hon. Mr. Randall: If we have got those policy changes you know —

Mr. B. Newman: But here you are, in 1968 you said that these homes would be for sale.

Hon. Mr. Randall: As far as we are concerned they could be. We had to go to our senior partners and say "are you in agreement?" and they have taken all this time to say yes.

Mr. B. Newman: On February 5, 1969: "Windsor OHC tenants next on purchase plan. Windsor tenants of OHC likely will get a chance to buy their houses before summer." You said that, Mr. Minister.

Hon. Mr. Randall: Yes. Listen —

Mr. Newman: In 1969 —

Hon. Mr. Randall: You are only reading part of the story. You must —

Mr. B. Newman: Let me finish and then you go ahead and —

Hon. Mr. Randall: You must go on and point out that we said we would have to get in touch with our federal partner and get their approval. Just do not take out what I said, and also what I said about selling. Also point out what I said about getting approval from my federal partner.

Mr. B. Newman: All right. We will take that then. May 30, 1969: "Mr. Randall, responsible in the Legislature for Ontario Housing Corporation, said Ontario now has received agreement in principle from Central Mortgage." What held it up?

Hon. Mr. Randall: What date was that?

Mr. B. Newman: May 30, 1969. It is almost a year now. We will be celebrating the anniversary of that comment.

Hon. Mr. Randall: It is a good question all right. As Mr. Goyette says, it is in principle, but they never got around to deciding what the terms are going to be, so let us—

Mr. B. Newman: I know, but Mr. Minister, when you make a statement, why do you not come along and say—

Hon. Mr. Randall: Listen—

Mr. B. Newman: Why do you always condition everything and now come along with, "if we get this," and "if we get that"? All you are trying to do is blame someone else for it.

Hon. Mr. Randall: No, let me—

Mr. B. Newman: That is all I ask.

Hon. Mr. Randall: If I had not started this pressure two years ago, they would not be up for sale now.

Mr. B. Newman: I will tell you, it is two years ago that I asked this question of you. I happened last night to check back, and found that over two years ago I asked you about this.

Hon. Mr. Randall: We started the pressure going and now we have got approval from Ottawa, right?

Mr. B. Newman: All I want to say is that I would like you to come along and get them up for sale, that is all. I am just trying to point out to you that you talk, but you do not act.

Hon. Mr. Randall: I would not say that.

Mr. B. Newman: That is all I have to say, Mr. Chairman.

Mr. Chairman: The hon. member for Scarborough Centre.

An hon. member: He is acting all the time.

Hon. Mr. Randall: Careful now. You have got 20 minutes, Margaret; will you be all through?

Mrs. M. Renwick: Mr. Chairman, I am just wondering whether to start at the beginning or start in the middle.

I would like to ask the minister if he would clear up what might appear to be an error in the *Hansard* of October 9, afternoon session, on page 682. It is printed that in answer to a discussion during the minister's estimates, the minister says that Central Park Estates offered to sell a portion of their holdings in Flemington Park in the borough of North York, but would permit the Ontario Housing Corporation to develop some 3,200 condominium housing units, with an agreement to purchase some 24,667 acres. I think, Mr. Chairman, that the minister probably will find that should be 24 acres, at \$5,244,400, and was executed on February 25, 1969. I wonder if I could have that corrected first of all, and then we will know where we are proceeding from there?

Hon. Mr. Randall: We started out in Chapel Glen Village with roughly—

Mrs. M. Renwick: I cannot hear you, Mr. Minister.

Hon. Mr. Randall: We started out in Chapel Glen Village with, I believe, roughly 69 acres.

Mrs. M. Renwick: Is that 69?

Hon. Mr. Randall: Yes. On taking care of the requirements of North York, the community centre that is now built, and the land that had to be given to religious organizations, we wound up with roughly 59 acres, was it, Mr. Goyette? It is 24 in one package, and what is the other one?

Mr Goyette: There are 36 in the other.

Hon. Mr. Randall: Yes, 24 in one and 36, I guess it is, in the other. Does that clarify that for you?

Mrs. M. Renwick: Now, when we are talking about the \$5.5 million, we are talking about the 24 acres, are we? Can I be certain of that?

Hon. Mr. Randall: It was 24.7.

Mrs. M. Renwick: On 24.7 acres that would be \$215,000 an acre?

Hon. Mr. Randall: Yes, could be.

Mrs. M. Renwick: Then is that the land the minister is building on with the phase which he expects to have in operation by 1971? Or is the minister building on the other land that we spoke about when he talked on October 30, in answer to a question during the question period? The minister answered that the total number of acres was 64.336; the land cost \$10,485,000; the servicing costs \$1,422,360; and the number of dwellings to go up was 3,272. Which land are you building on?

Hon. Mr. Randall: We are going to be building on both lands, on both sides of Don Valley Parkway; we got the permit last Friday afternoon to start building. I guess the 24 acres is on this side—is it not the west side? Yes, 24 acres is on the west side near Don Mills Road. The first is in the Don Mills area, 1,470-odd units, and 1,800-odd across the Don Valley Parkway, so they are both starting almost simultaneously.

Mrs. M. Renwick: You are building both east and west of the Don Valley Parkway? Could I ask, Mr. Chairman, does the minister have OMB approval to build on both sides of the parkway at this time?

Hon. Mr. Randall: As far as I know. Yes. We have had, as you know—I will not go over

the ground again—we were held up for 15 months by Mr. Bloom, who had the Milton Brick Company; he sued not only us, but also Olympia and York for \$12 million to stop us. It took 15 months to get him out of our hair. Then we had Sayvette department stores come in and put in a brief because they did not like the tax structure of North York, and they thought this was an easy way to get before the public. I pointed out to them that I did not know of a department store that needed more customers than they did, and I suggested that if they wanted 3,200 customers, the thing to do was to withdraw that brief to the OMB, which they did. And the last trouble that we had, as you know, was that we made arrangements for the religious organizations to have an ecumenical centre and they got to fighting among themselves to see who was going to be there—whether it was the Presbyterians and the Catholics, leaving out the Anglicans and the Methodists. Finally, last Friday afternoon, we got them all decided to be good Christian brothers and get together, and we got the building permit on Friday afternoon about 5 o'clock.

Mr. S. Lewis (Scarborough West): Is that so? Is it entirely Christian?

Hon. Mr. Randall: I think so; I hope so.

Mr. Lewis: My colleague from Windsor was remarking that the man who launched a \$12-million suit, you described as a "one-share sweetie" in the Legislature.

Hon. Mr. Randall: He did all right too.

Mr. Lewis: He certainly did.

Hon. Mr. Randall: You bet he did.

Mrs. M. Renwick: Mr. Chairman, I would like to say to the minister, then, we have not established that 24 or 25 acres of the 64,336 acres that we spoke about on October 30 is \$215,000-an-acre land, and the balance is the \$162,972.50-an-acre land. Right?

Hon. Mr. Randall: Yes, could be.

Mrs. M. Renwick: Okay. Now, the minister can go back very easily to when, as the member for Scarborough West said, a few trips to Japan weighed in the balance, and the minister announced three days prior to the provincial election in 1967 that about 3,500 units were going into Flemingdon Park.

Hon. Mr. Randall: With all good intentions.

Mrs. M. Renwick: Pardon?

Hon. Mr. Randall: With all good intentions.

Mrs. M. Renwick: With all good intentions?

Mr. Lewis: It did not help Chris Smith, I tell you. But he admits that.

Mrs. M. Renwick: The young architect, of course, was running for the NDP and was a little chagrined to see this letter arrive. I would like to ask the minister, did the letter go out special delivery—the letter to the people who were on the waiting list for condominiums? Because the letter is dated October 17, 1967, and since that was election day and since Ontario Housing Corporation, when it culls out its files, it does send all its mail out special delivery, did it send that particular letter out special delivery by any chance?

Hon. Mr. Randall: I would not think so. Of course, by now there is no—

Mrs. M. Renwick: Would somebody in the corporation not know, Mr. Chairman?

Hon. Mr. Randall: Yes, they know; they just told me no.

Mrs. M. Renwick: They just told you no?

Hon. Mr. Randall: Yes, that is right.

Mrs. M. Renwick: So, if it was sent out on October 17, it was not designed to be effective on October 17?

Hon. Mr. Randall: I would not think so.

Mrs. M. Renwick: Okay.

Hon. Mr. Randall: In fact, we sent out a news release the other day, and in view of the pending mail strike, we figured it would take maybe a week and a half to get there. It got there the next morning. We were surprised. It looked like a lot of people were afraid to put mail in the boxes in case it was not collected. But there was no election a few days ago so we are all right.

Mrs. M. Renwick: Mr. Chairman, since the announcement was made three days before and it was carried in not only the Toronto dailies but throughout the province in practically three-inch-high letters, the minister really just had a little housekeeping to do by advising those persons who had enquired about condominium?

Mr. Lewis: When will they be completed, did you say?

Hon. Mr. Randall: 1971.

Mr. Lewis: What month in 1971?

Mrs. M. Renwick: Very important.

Hon. Mr. Randall: I do not think we said they would be completed. I think we said we would get under way with it. It takes about 18 months to complete one apartment. They are starting the project now. I would hope they would continue—

Mr. E. W. Martel (Sudbury East): It is just a coincidence that opening day and the election are the same day.

Mrs. M. Renwick: I think the minister's release said July, 1971.

Hon. Mr. Randall: Wait a minute. We expect to have some units in 1971. Let me also point out that this is going to be an unusual type of construction and an unusual type of site planning. I think it will go according to schedule. We think we will have some units in 1971 and 1972 and I think the balance will be completed by 1973 or 1974. There is a phased programme for it.

Mrs. M. Renwick: Now the minister said—

Hon. Mr. Randall: Does the hon. member want to make an application to move in on it?

Mrs. M. Renwick: —the deal was closed; and the fact was the deal was not closed at that time when the minister spoke on October 9. Apparently the papers had not been signed. Is everything closed now? The question that comes to my mind is: has the Olympia and York agreement been signed? Is absolutely everything closed to go ahead on the Chapel Glen project now?

Hon. Mr. Randall: Mr. Hermant, can you answer that?

Mr. Hermant: Yes, all the agreements are executed and Olympia and York is under an obligation to develop about 1,800 units over a three-year period.

Hon. Mr. Randall: May I remind you that when we said the agreement was closed, to all intents and purposes we had the deal made. In the meantime, as you know, we have gone ahead and put in the services.

Mrs. M. Renwick: The minister said they had an understanding about the deal. An understanding, of course, is a little different from the letter. The letter, Mr. Chairman, that started this particular misunderstanding between the minister and members of the Legislature and the general public, said that,

"We have 70 acres in Flemington Park." It says, and I will quote, Mr. Chairman:

As you are aware from newspaper stories, OHC has purchased 70 acres of land and will begin servicing it in the next few months.

That is the sort of thing which makes someone like myself a little nervous about whether what the minister has put in a letter is really something we can depend on.

Hon. Mr. Randall: Do not get nervous. I will send you over some tranquilizers.

Mrs. M. Renwick: The minister said in the House that the prices would not change; that the cost of the units to the general public would not change. The minister outlined the costs for Parkway Forest, his first condominium where they started at a one bedroom for incomes of \$6,000, two bedrooms for incomes of \$7,000, three bedrooms for incomes of \$8,000, four for \$9,000 and five for \$10,000.

We are now looking at a new project and we are looking at a new letter from the ministry, or from the Ontario Housing Corporation, talking about a project where the prices for the units in one area range from \$18,900 to \$29,950 and an area where the prices range from \$21,800 to \$25,500. Town houses, Mr. Chairman, range from \$26,600, the four bedroom town houses are \$28,200.

I think the minister is really on the line about this particular discrepancy because—

Hon. Mr. Randall: I do not think I am at all.

Mrs. M. Renwick: —there is no way, Mr. Chairman, that anyone can purchase homes under The Condominium Act in the minister's riding in Chapel Glen project unless their income is at least \$10,000 a year, which is where the other incomes in Parkway Forests ended. This is very serious because in Parkway Forest there were 400 units and the waiting list for those units was cut off by the developer by necessity, of the numbers that he was receiving long before the units were built. If you applied, and people I know did, you received a letter cutting you off the waiting list before those units were built.

This is the Home Ownership Made Easy plan going right down the drain unless the minister can foresee some way that these houses are available to persons earning less than \$10,000 a year; 50 per cent of the people of the province of Ontario fall in

that category. These people have been very patient in waiting a long time for the announcement on Chapel Glen. The announcements have come out. The minister has an explanation to make because there are many other things wrong with Chapel Glen, Mr. Chairman.

The minister has circumvented bylaws so that the buildings are going to be 50 feet from the parkway, which is unbelievable to anybody who has ever lived on that parkway. I have lived on it and I know of what I speak. He has circumvented the distance between the buildings; the North York bylaw calls for 107 feet between the buildings—he has got it down to about half of that. The density there is going to bring a city of 25,000 people and there are no facilities either for 25,000 people to live there or for traffic to and from there.

The cost of the land is bad enough but to create a miserable type of development on top of it is just unbelievable.

Hon. Mr. Randall: I disagree with that “miserable development” tag, because it has been well-planned and approved by the board of North York and approved by OMB, so how can you fault us? If the township agrees on it, how can you fault us? Are you a better authority than the township of North York?

Mrs. M. Renwick: I can fault the minister in this way, Mr. Chairman — that the system we are living under has the borough of North York, in one part of its organization wanting development, and in the planning part being scared to death of the type of project that this is. Finally, that those bylaws are approved by the Ontario Municipal Board, which is a creature of this government and before it comes to the Ontario Housing Corporation for approval. There is something wrong with that system.

First of all, there is no way we can have a good, operating municipal board if, in fact, its own government is going to come before it and seek approval, unless there was some separate arbitration to decide the factors that are at stake here.

I have talked to the people in the schools in that area and they are very concerned about about what is happening around them. The concern goes right down to the individual home purchaser. In the original plan, the minister has said, Mr. Chairman, the new housing will be under the same plan as the HOME plan. In other words, the \$15,000

amount will apply to the two-bedroom unit, the \$17,000 amount will apply to the four-bedroom units.

There is a discrepancy that I would ask the minister to explain. In *Hansard*, October 30, the minister said that the land cost per dwelling would be about \$3,205; the average servicing about \$435, making a total of \$3,640. That is \$3,000, approximately per lot. Adding the \$15,000 to that, you would get the price of the home. If you take \$15,000 from the \$21,800 figure of the — let us see which developer it is that has the \$21,800 — Olympia and York's prices. Take it from the lowest price, Mr. Chairman, \$21,800, and you get a difference of \$6,800.

How does the minister justify this increase in cost? We all know that the interest rates have grown but there have to be other factors taken into consideration, as to what has made the difference of almost \$3,000 in two years. I would like to refer to the article in the *Globe and Mail* by Tom Claridge where, apparently, other factors cited by OHC (1) inaccuracies in the original estimates, which an official said were really only guesstimates, with a higher than anticipated cost of servicing the land, (2) a last-minute decision by Metro separate school board to build a school in the project, (3) changes in planned densities, and increases in the quality and specifications of the buildings in site, servicing and adding other facilities such as swimming pools and saunas. What really did cause the nearly \$3,000 difference is what I think it is important to know.

Hon. Mr. Randall: Mr. Chairman, in answer to the hon. member, may I just read these points off. Some of the reasons for the price changes are as follows:

Since we began our planning in 1967, construction costs have increased substantially, with the result that we have made two administrative changes concerning the limits on houses built on home lots. First, to accommodate persons wanting larger dwellings, we set new maximum ceilings of \$15,000 for three bedrooms; \$16,000 for four and \$17,000 for five bedrooms.

As construction costs continued to rise, we exempted certain items in the determination of the ceiling prices such as loan application fees, interest on advances during construction, legal fees, survey charges, lot rentals up to three months and the mortgage insurance fee. These items are now reflected in the increased land costs for Chapel Glen.

Secondly, the Ontario Housing Corporation have to pay carrying costs and taxes for two years and this cost is also reflected in the land cost.

Third, the specifications on buildings, site services and facilities in the final design are at a higher level than originally proposed.

Fourth, some part of the increased land costs are reflected in the disposal of a separate school site and the provision for North York of a community centre which will be developed by and at the cost of modular pre-cast and will be turned over to the borough of North York.

Fifth, the final cost also reflects such items as the purchase share of the seven caretakers' apartments as they are part owners in common.

Sixth, the serviced land in 1967 reflected the cost of servicing to the perimeter of the block on which the condominium was to be developed. The final cost of land includes all internal servicing within the perimeter of this condominium block—roads, sewers and water mains which will be owned by the purchaser—and is reflected in their land prices as site services.

Seven, as an example of additional services for this project, there is underground parking which will cost \$1,500 per dwelling unit. To sum up, the cost of construction of the actual dwelling unit falls within the price limitations of the HOME plan.

The bulk of the increase in price is related to the cost of the site services and other facilities outside the unit. We say we are offering excellent dwellings on a convenient site, virtually downtown, with down payments ranging from \$945 for one bedroom to \$1,497 for five bedroom dwellings. These can be purchased without high interest rate second mortgages, so common today, and at a rate of interest of 9.5 per cent, which is well below any other prime interest rate obtainable in Canada. Prices now are firm and will carry right into 1973.

I think we have achieved, under very difficult circumstances, housing that people can afford right in Metro. When you talk about the people back in 1967, let me also remind

you—and your own case is a good one—your own income has gone up since 1967 and so have those of the people who were building those houses then.

Mr. Lewis: Ten thousand dollars a year. Six point four per cent of the families in Metro make less by way of family income than \$8,000 a year. Who are you opening it up to?

Hon. Mr. Randall: I know.

Mrs. M. Renwick: Mr. Chairman, that is exactly the problem. These units were touted for years. This programme began in 1966?

Hon. Mr. Randall: 1967.

Mrs. M. Renwick: It was touted for years as being something low-income families could avail themselves, but it has just gone right out the window, the HOME ownership plan.

How does the minister justify when he said on October 9 in *Hansard*—

Hon. Mr. Randall: We do not agree that it has gone out the window.

Mrs. M. Renwick: I will not accept an interruption, Mr. Chairman.

Hon. Mr. Randall: Too bad about you.

Mrs. M. Renwick: The minister said, "I might say, also that prices we established in 1967 will remain the same."

Mr. Chairman: This probably would be a good place to recess until 8 p.m.

Hon. Mr. Randall: If the land could have been settled, they would have remained the same.

Mrs. M. Renwick: Is the minister saying that the cost is primarily an increase in the land cost?

Hon. Mr. Randall: The site cost primarily; the building cost is still within the limitation we set at 1967.

Mr. Chairman: We will recess until 8 p.m.

It being 6 o'clock, p.m., the committee took recess.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Trade and Development

Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, May 28, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

THURSDAY, MAY 28, 1970

The committee resumed at 8 o'clock, p.m., in committee room number one; Mr. E. A. Winkler in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

On votes 2209 and 2210:

Mr. Chairman: We now have a quorum. Mrs. Renwick, if you wish to proceed.

Mrs. M. Renwick: (Scarborough Centre): Thank you, Mr. Chairman. Prior to our supper adjournment we were discussing the HOME plan in Chapel Glen—the Home Ownership Made Easy scheme—from which letters went out dated May 20, 1970.

Mr. Chairman, I would like to say to the minister—and I think the minister, when he spoke jovially before supper, knows that he and I do often chat about things in a very amiable fashion. I cannot just slide over Chapel Glen and say, "Well, that is just one of those things." I am sure, that in the broad spectrum of the area that the minister covers with trade and development, and the many areas where he has been very aggressive and very successful and progressive, that this may just be just one of those things.

But to the families who live in Flemingdon Park now, to the advisory board, to the professional people in the community who are giving their time to helping that community to work, to the teachers in the schools, the guidance teachers, all the people who have been drawn into that advisory group; to them what is happening in Chapel Glen is of grave concern.

To those of us who are there rather frequently, to see the limited facilities for recreation that exist there is a separate discussion by itself. The density in that area is a separate discussion. The traffic in that area, as the minister knows from the OMB hearings, Mr. Chairman, is a serious separate discussion. But of course, Mr. Chairman, where

you come from housing is housing and it is not all tied up with all these other problems. But this main artery of Don Mills Road and the Don Valley Parkway is a very important problem as it stands right now, never mind any future development.

I would like to say to the minister that I think I caused some heads to shake when I said 50 feet from the parkway. I was, of course, wrong in assuming that the minister was building right on the parkway. I guess I should have said, Mr. Chairman, 50 feet from the edge of the property was the concession that had been made in the change of the bylaw.

But what is the real crux of the problem? I think the real crux is the fact that specifically the HOME plan was geared to meet the needs of people whose incomes were less than \$10,000 a year. Now it is geared to people who earn more than that. This is a serious thing, because up until the minister's HOME plan, thousands of people could not buy a home in Canada because they did not qualify for NHA loans.

All of the postmen, for instance, working their lives out with the federal government did not qualify on their incomes for NHA housing. Then along came the miracle man, in the form of the Minister of Trade and Development responsible for housing. He could now provide accommodation for families earning \$6,700 a year. The minister has said all salaries have gone up. My salary has gone up and so forth. But in the supper hour, we added just six per cent to the salaries to try to gauge what the increase was. That is a healthy enough increase. The man earning \$6,000 when the minister made his announcement in 1967, would now earn \$6,360. The man earning \$6,742 would now earn \$7,144. The man earning \$7,146 would now earn \$7,572.

It just does not figure that salaries have gone up that much, and I would ask the minister if he can show me the income group that he is catering to, because the only figures that we have to work from are from DBS statistics that are for 1968, published

in 1969; and even there it is not conceivable that the minister is catering to the lower third of the income group.

When the minister sends out guidelines to the housing authorities, where he says in his manual to the housing authorities that they are catering in rents to the lower third of the income group, then I would remind the minister, Mr. Chairman, that the original plan of Ontario Housing Corporation was that the tenants would be short-term residents and that they would be able to proceed from Ontario housing into Home Ownership Made Easy.

In fact, in our last year's debates—it seems so recent now, I think it was just October, was it, of last year—the minister, when I talked to him about Chapel Glen said they were even conceivably looking at non-down-payment homes. I had said to the minister that one of the last things that J. F. Kennedy put on the books in Washington was an experiment of 300 no-downpayment homes, and I complimented the minister about the HOME scheme and complimented him about the fact that he was looking at no-down-payments. I may have some other compliments to pass on later, but I think the real issue is who is going to be able to purchase those homes? There are some things, Mr. Minister, which we just have to have down in black and white.

You see we start out at the beginning—and I think it is important, Mr. Chairman, that we do in this particular case, because we are dealing with two letters. We are dealing with a letter dated October 17, 1967, from the corporation. I wonder if the minister would tell me to how many persons the October 17 letter was mailed? We are also dealing with a letter on the same subject dated May 20, 1970—and I would like to ask the minister separately, Mr. Chairman, to how many people was the second letter mailed?

I would like to read the first letter, which is headed Ontario Housing Corporation, October 17, 1967:

Reference A-2-6 (d)

Dear Sir (Madam):

Thank you for your inquiry about the Chapel Glen Village Development land for Flemingdon Park. Enclosed is some background information about condominiums and a pamphlet designed to answer your more general questions.

As you are aware from newspaper stories, OHC has purchased 70 acres of land and

will begin servicing it in the next few months. At the same time we will be inviting private builders to submit designs on a builder proposal basis.

We will select the ones from which the design and price point of view are the most acceptable. The developers will be encouraged to incorporate imaginative design principles in their submissions. The average cost of serviced land per unit will range from \$3,000 to \$4,000 and the cost per unit from \$12,000 to \$15,000. A range running from two-bedroom apartments to four bedroom townhouses. These costs will enable families earning between \$6,000 and \$8,000 a year to become home owners.

Mortgage arrangements for the financing of the individual units in each building will be a responsibility of the successful builders to participate in the development. The purchaser will be able to pay for his land under the HOME Plan on an amortized basis over 35 years at 7 and one half per cent, substantially reducing the down payment required.

It is expected that the first units will be ready in the latter half of 1968. We have recorded your name and you will be contacted when marketing arrangements have been established. At that time precise information on downpayment and costs and carrying charges for each size of unit will be available.

Signed,

Yours sincerely,

H. W. Suters,

Managing Director.

Could anyone of the corporation tell me to how many people that letter went, Mr. Chairman?

Hon. S. W. Randall (Minister of Trade and Development): That is the letter of October 17; it went to 2,000 people and it was followed up last month by a letter to 1,200—because of the 2,000, some 800 never replied. We never got their reply back, and the number of the waiting list was reduced to 1,200 who showed an interest in the project.

Mr. S. Lewis (Scarborough West): Eight hundred did not reply? Right?

Mrs. M. Renwick: Mr. Chairman, the 800 probably did. That was the differential—972 I think—between the hon. Minister—

Hon. Mr. Randall: Next time it will be 4,000.

Mrs. M. Renwick: Pardon?

Hon. Mr. Randall: Next election it will be 4,000 majority.

Mrs. M. Renwick: Mr. Minister, I would be willing to almost bet that you might not even go through that again.

Hon. Mr. Randall: Do not push now, Margaret!

Mrs. M. Renwick: You see what is wrong Mr. Chairman, now we have gone through this a little bit. What is really wrong is that OHC did not have 70 acres. Right?

Hon. Mr. Randall: Did not what?

Mrs. M. Renwick: Did not have 70 acres. They had an understanding to purchase something less than 70 acres.

Hon. Mr. Randall: We had 70 acres to start with. It was nibbled away by the restrictions and the people who came in later on and cut themselves in for, let us say, part of the deal.

Mrs. M. Renwick: You mean to say some acreage had been cut away Mr. Minister, through you, Mr. Chairman, by October 17, 1967?

Hon. Mr. Randall: From October 17, 1967, until to date.

Mrs. M. Renwick: To this date?

Hon. Mr. Randall: Until to date. Right!

Mrs. M. Renwick: When did the 70 acres become 60-odd acres then?

Hon. Mr. Randall: We started negotiating on 70 acres and by the time we got the permits through North York, made the amenities, recreational centre—which is already up; which cost \$500,000 of which I think we paid —60 per cent was it?—it provides not only recreational facilities for the people going in here but also for the people now in Flemingdon Park—plus the church affairs that I have talked about this afternoon. That left us with about 60 point something acres; 60.7 acres.

This is not unusual. This is standard procedure in any development. We are running into the same thing at Saltfleet. We are running into the same thing at Waterloo. When we get underway up there, if we get underway, we will run into the same thing in Malvern; all developers run into the same problem. It is not unusual with the housing corporation, I can assure you.

Mrs. M. Renwick: The minister outlined very clearly, did he not before supper, Mr. Chairman, the difference in the cost of the land?

Hon. Mr. Randall: Yes. I told how the cost increased and why it did. The buildings were exactly the same price as we suggested in 1967. The difference in the cost is due to the appreciation, the increased expenses on the land, the shortage of the land, the reduction of the acreage, so that you did not get the same density. When you buy land at those prices for density, you have to reduce it so much per acre. You have to add it on to the acreage left.

Mrs. M. Renwick: What was the density when the minister started?

Hon. Mr. Randall: I think in 1967 we said that we were negotiating for 69 point some odd acres, and that has been reduced by nine acres to, roughly, 60.5. So if you take that nine acres out of there and add it into the 60.5, you can see how the density would have to be increased, or the land would become more valuable, which would increase the price per apartment or per house.

Mrs. M. Renwick: When the minister originally got the density increased—

Hon. Mr. Randall: No, we decreased it. I think our first hope in there was for about 3,600 units if I am not wrong. Is that the figure we had—3,600 and some odd units? It has been reduced to 3,200 and something?

Mrs. M. Renwick: Thirty-five hundred was the first?

Hon. Mr. Randall: Thirty-five hundred and some odd, and we have had it reduced in order to provide the amenities. To provide the acreage for those amenities we have had to reduce the density to around 3,200 and some odd units—1,800 plus 1,400—3,273.

Mrs. M. Renwick: Mr. Minister, there is a density in there now of 95.6?

Hon. Mr. Randall: That is not a bad density.

Mrs. M. Renwick: Not bad? Mr. Chairman, where do you go from up?

Hon. Mr. Randall: Sixty to the acre. We are down to where the density is 60 to the acre.

Mrs. M. Renwick: Yes, 60 to the acre if you take the two densities into consideration. If

you take the 90.5 density of the high-rise and put it with the density of the smaller—

Hon. Mr. Randall: Let us talk about Chapel Glen. The Chapel Glen density is 60 to the acre and all the amenities are supplied. If you want to look at Toronto proper, we said Toronto proper was 30 to the acre, if you took all the commercial land, all the parks, all the recreational areas. But if you want to go back to the complete density in the residential areas of Toronto, you are talking about 250, I believe.

Mrs. M. Renwick: Let me, Mr. Chairman, take a look at the hon. minister's second letter.

Hon. Mr. Randall: You are not proving very much to me, because the letters as far as I am concerned were written in good faith. I said what we were going to do. We have arrived at a point where we are going to produce housing. We know exactly what we are going to produce and at what prices we are going to produce. Going back in the letters is not proving one iota as far as I am concerned.

Mrs. M. Renwick: We have the one letter, Mr. Chairman, on the record and I would like the other letter on the record and—

Hon. Mr. Randall: Get it on the record.

Mrs. M. Renwick: —and then we will take a look, if we may, Mr. Chairman, at what has happened in between those letters. Because, as the minister very well knows, a great deal has happened in between.

The second letters from the corporation, dated May 20, 1970, says:

Dear Sir (Madam):

Because of the interest you indicated in the past, you will be pleased to know that Ontario Housing Corporation has signed development agreements for the construction of nearly 3,300 condominium dwellings at Chapel Glen, which lies east of Don Mills Road, north of its intersection with the Don Valley Parkway. Modular Pre-cast Developments and Company will build 1,465 condominium homes and high-rise and six-storey "stratawalk" buildings north and east of the Don Mills Road and Gateway Boulevard intersection.

Further to the east, Olympia and York Developments Limited will build 1,794 high-rise and town house condominium dwellings on land lying north and south of the Hydro right-of-way on the east side

of the Don Valley Parkway. As the builders are responsible for the marketing of the housing, your name has been forwarded to them and they will be getting in touch with you at a later date. Although neither firm is in a sales position at the present time, you may wish to establish personal contact with them. Modular may be reached at 782-3153; Olympia and York at 429-5544 beginning May 25, 1970. Both firms have started site excavations and the first high-rise buildings at each location are scheduled for completion in July, 1971. Modular will build one-, two- and three-bedroom high-rise dwellings, and three-, four- and five-bedroom Stratawalk homes. A novel housing approach, the Stratawalk homes will be grouped as three tiers of two-storey town houses.

Modular prices range from \$18,900 for a one-bedroom apartment to \$29,950 for a five-bedroom Stratawalk home. Down payments range from \$945 to \$1,497. Olympia and York prices range from \$21,800 to \$25,500 for two- and three-bedroom apartments. Three-bedroom town houses will cost \$26,600 and four-bedroom town houses \$28,200. Down payments range from \$1,090 to \$1,410. In addition to mortgage charges, monthly payments will include all management fees and maintenance charges. Municipal taxes will be paid separately.

Yours sincerely,

Paul R. Goyette,

Managing Director, Development.

Now, Mr. Chairman, I called those numbers today, and at the Olympia and York number I was told, "We cannot tell you what size of housing you will be buying; what size of room. We are printing a brochure; it will be ready in a couple of weeks." I could not get through to the other number, and I had someone try for a very long time this morning. I would think that, for a letter to go out from a crown corporation, some description of the property should have been included. No one knows from this what size the bedrooms are. I think we have spoken with the minister about that.

The minister answered the question as to who received these letters. I would like to know if the minister has any facts to back up his remarks prior to the supper break that this housing is not for the higher-income group. If the minister has some figures of families in Metro, even of families in Ontario—the most recent statistics show that only

something like 21 per cent of the population in 1967 earned more than \$10,000 a year, and we have reason to think that those figures might very well still prevail with only a minor difference.

If the minister has any comments, first of all, about the income group that he figures he is catering too. You see, I asked the minister about Chapel Glen specifically, when he first announced it, and he outlined very carefully that he would be drawing the same income group as Parkway Forest. Well, Parkway Forest started at \$6,700, and I do not think it went much above a \$10,000 income for the very largest unit. What income does someone have to have to carry these units that are coming into Chapel Glen?

Hon. Mr. Randall: Mr. Chairman, may I just finish reading? I read some points this afternoon, and finished before I read the last paragraph. I will just read this to you, to illustrate what can happen in three years. I would point out what happened to the price of new homes in Metropolitan Toronto between the time we first spoke of Chapel Glen, and today. At the end of January, 1967, the average new home price in Metro was \$29,666—

Mrs. M. Renwick: Yes, but, Mr. Chairman—

Hon. Mr. Randall: Wait a minute, now.

Mrs. M. Renwick: Mr. Chairman, the minister got the floor from me a couple of times and I did not object. I would like to say to the minister that the average home cost—

Hon. Mr. Randall: You asked me a question. I am trying to answer your question.

Mrs. M. Renwick: Before, Mr. Chairman—

Hon. Mr. Randall: Let me answer it my way, and I will let you answer your questions your way.

Mrs. M. Renwick: We are not buying homes when we are buying apartments in Chapel Glen.

Hon. Mr. Randall: I know you are not; I am just trying to establish a fact I think you are overlooking. I said that at the end of January, 1967, the average new home price in Metro was \$29,666, and at the end of January this year it had risen to \$42,805. In the same period, we have seen these changes occur in Metro: In 1967, 23 per cent of all new homes fell in the \$16,000 to \$22,500 bracket, while today only 0.8 per cent fall into this category. In 1967, 32 per

cent of new homes in Metro fell into the \$22,500 to \$30,000 bracket, while today only 14.8 per cent do. And this means—and keep this in mind—that 85 per cent of all new dwellings cost more than \$30,000, and all the Chapel Glen dwellings are beneath this figure. In light of this end price we have achieved in Chapel Glen, we have effected a very good deal for the prospective purchaser.

Let me just point out that Central Mortgage and Housing themselves indicate that the middle-income groups are considered as earning \$6,000 to \$10,000, and \$7,000 to \$11,000 in the urban area, and this is over 30,000 people. The policemen alone are getting \$10,800; there is an increase going through for postmen and what have you. Everybody has had increases, so it is no mystery as to why the prices of land in Chapel Glen have increased in view of the difficulties outlined earlier.

I make no apologies for these prices today. I think they are the best prices anywhere in Metro, regardless of what anybody says, and I can assure you that when those houses are put up for sale, we can sell five times as many as we have available.

You must keep in mind—and I point out to you—that the same people we were going to house in 1967 are the people we are going to house when Chapel Glen is finished, and their incomes have gone up accordingly. So we are not talking about the same income level for the people in 1967, any more than we are talking about the same prices in 1967. I simply point out, as far as Chapel Glen is concerned, that we are providing housing at the same price as we agreed to supply them at, \$15,000, \$16,000 and \$17,000. We have no control over what happened to the acreage that was taken out of the development by the North York board of control, by the amenities required, by the churches who came in and demanded that they have a certain amount of acreage. If we had not done that, we would have been accused tonight—in fact, you have already made the statement that we do not have enough amenities in there as at the present time. But let me point out to you that the best brains in Metro and North York have looked at this project, have studied it very carefully and, in their judgement, they have made the decision that there is adequate there to house some 3,200-odd families.

Mrs. M. Renwick: Okay. Mr. Chairman, I can only keep five points of what the minister has said in my head at one time. If the

minister would permit, I would like to deal with those five points. First, I have never at any time suggested that the minister was not caught in one of the highest spirals of real estate prices that anyone here probably has ever seen. At the peak of 1967, when he made this announcement, the minister had no way perhaps of knowing that he was really in on the ground floor of the big up-swing. I have never questioned that.

Hon. Mr. Randall: I think we had some idea that prices would continue to rise, believe me.

Mrs. M. Renwick: That is the first thing.

Hon. Mr. Randall: We never figured the ceiling would go as high as it has.

Mrs. M. Renwick: The second thing is that when the minister uses the average price of homes as an example, we have to remember what sort of land a home is on; is it on 50 by 100 feet at least, and how many square feet is that? Whereas the square footage of ground for a unit that we are talking about is, I think—someone wrote me a letter on it, and he referred to 856 square feet. What size of lot are we talking about in Chapel Glen? You cannot compare condominium prices with home prices.

Hon. Mr. Randall: Now listen, you cannot—

Mrs. M. Renwick: Wait a minute—

Hon. Mr. Randall: You cannot compare a 50-foot lot with swimming pools, sauna baths and all the amenities.

Mrs. M. Renwick: Mr. Chairman, I did not say anything about swimming pools and sauna baths. I just said you cannot hold up the price of homes in Toronto, where the family can have the privacy of an individual lot, in comparison to condominium development, such as we are going to see, and is going to be widely written about no doubt, the way it is going in and going up in Chapel Glen.

The third thing is that the minister has said that he is still supplying housing to the same income group that he was before, but that all their incomes—

Hon. Mr. Randall: The same kind of people. The incomes may have changed.

Mrs. M. Renwick: —that all their incomes have risen, now, to meet his new figures.

Hon. Mr. Randall: No, not to meet mine. To meet the figures that are available—theirs.

Mrs. M. Renwick: Well, then his figures are the same people, but they have higher incomes now.

I would ask the minister to prove that, Mr. Chairman, because that simply must be proved. The income group that the minister is appealing to has to be shown, without any doubt, before this programme can really be acceptable to the general public, because it is just that the public needs housing so badly.

The minister says that he can sell them all very quickly. I do not doubt that. You need only to look at the fact that there are—what?—at least 10,000 to 12,000 applications for Metropolitan Toronto alone at University Avenue for a place to live, never mind a home to own; or at least 15,000 applications. And the minister, Mr. Chairman, has already housed in Metropolitan Toronto maybe 12,000 families who would like to get out of Ontario Housing on the tenant basis that they have been in for years and get into a home of their own—

Hon. Mr. Randall: May I ask you one question?

Mrs. M. Renwick: —to say nothing of the hundreds of marriage licences that are issued every year—

Hon. Mr. Randall: May I ask you a question?

Mrs. M. Renwick: —to say nothing of the other people—

Hon. Mr. Randall: May I ask you one question? If we do not house these people in this development, who will? Do you think any private developer will do what we are doing here?

Mrs. M. Renwick: Mr. Chairman, I am here to ask the minister questions. I am not a developer and I am not a minister. I simply know that people cannot afford this housing that he is putting into Chapel Glen—

Hon. Mr. Randall: I disagree with you.

Mrs. M. Renwick: —except a select number of people.

Then, Mr. Chairman, let the minister describe Parkway Forest to me, the way he did—and just let me get my copy of Parkway Forest out to make sure that I have got the right understanding of what he said there; and he said Chapel Glen would be the same.

Let me see exactly what he describes—okay. Now, what incomes will it take to

qualify for purchase in Chapel Glen as it is now reconstructed since the answer that the minister gave on October 27, 1969, when I asked him the same question and he covered one-bedroom, two-bedroom, three-bedroom, four-bedroom and five-bedroom units? He started at \$6,120 and he ended at \$10,090.

Hon. Mr. Randall: Well, may I just point out that in the Chapel Glen Forest project, it was financed by the Royal Bank at 8.5 per cent—

Mrs. M. Renwick: Which one are we speaking about, Mr. Chairman? Parkway Forest?

Hon. Mr. Randall: Parkway Forest. One-bedroom was incomeed at \$6,120 to \$6,300.

Mrs. M. Renwick: Yes, I have those figures, Mr. Chairman.

Hon. Mr. Randall: All right. Two-bedroom was \$7,500 to \$7,570. Three-bedroom, \$8,100 to \$8,300. Four-bedroom, \$9,000 to \$9,610. Five-bedroom, \$10,000 to \$10,090.

Mrs. M. Renwick: Right.

Hon. Mr. Randall: And we are offering in Chapel Glen, even with these increased costs to us, the same kind of a programme; an income of \$7,728 for a one-bedroom up to \$12,000 for the five-bedroom. Keep in mind that today, because of the changes we have been able to extract from our friends in Ottawa, a man, if he is earning \$7,000 a year and his wife is earning \$5,000—and most of them are—that 50 per cent of her income qualifies. In Greenwood Parkway, as they call it, only 20 per cent qualified. In fact, only 20 per cent qualifies today almost everywhere.

But, under the housing development corporation we are financing this entire project at 9.5 per cent, whereas it was formerly 7.25 per cent, or 7.5 per cent under bank financing back in 1967. We are financing at 9.5 per cent and the increased incomes will permit those same categories of people to move in there and buy in Chapel Glen, regardless of what anybody says, and 50 per cent of the wife's income will be taken as part of the income.

Mrs. M. Renwick: All right. Now, Mr. Chairman, I would like the minister to break down the figures for the two-bedroom, three-bedroom, four-bedroom and the range of the five-bedroom—which he just jumped from \$7,728 to \$12,000—please.

Hon. Mr. Randall: Pardon? I do not have—

Mrs. M. Renwick: I would like to ask, Mr. Minister—

Hon. Mr. Randall: I do not have that list with me here, but I would be glad to get it for you.

Mrs. M. Renwick: Mr. Minister, you do not have that list with you here?

Hon. Mr. Randall: No, I have not got the list here with me. We will be glad to work it out for you.

Mr. H. Peacock (Windsor West): It is the maximum that has gone from \$10,099 to \$12,000.

Hon. Mr. Randall: Yes, that is what we figure. You have a jump there of roughly, what was that figure?

Mr. P. R. Goyette (Ontario Housing Corporation): \$10,099 to \$12,000.

Hon. Mr. Randall: Well it has gone up, roughly, you have got to say \$2,000—\$1,900.

Mrs. M. Renwick: There is a 50-year mortgage, instead of 35.

Hon. Mr. Randall: There are 35-year mortgages.

Mrs. M. Renwick: Thirty-five-year mortgages?

Hon. Mr. Randall: Thirty-five-year mortgages and you can buy an agreement for sale on the land for—what have you got, up to 50 years? Thirty-five years, the same as the mortgage.

Mrs. M. Renwick: Pardon?

Hon. Mr. Randall: They can go up to 35 years on the land on an agreement for sale under The Condominium Act, so they have got 35. The Parkway Forest was 25 years; this one is 35 years, for both the land and the building, with the same down payments, or about the same down payments, they had previously in Parkwood Forest. Whatever that name is, I keep forgetting. Parkway Forest, yes.

I can assure you that as far as I am concerned, you can push the mathematics around all you like, but we are going to provide housing at the prices we have said. There is no way we can change it. We recognize that nobody else is going to do it. We are going to do it.

The homes are going to be there and they are going to be financed with the housing development corporation on the basis that I outlined. You can read all the letters you like, you can bring up all the hurdles you like, I am just reassuring you that the deal is going to go through. There is going to be no change. This is the way it is going to happen.

Mrs. M. Renwick: Mr. Chairman, I understood from the minister that the deal had gone through. Is that not true?

Hon. Mr. Randall: Well, sure. I am just saying that we are going to go ahead and build the project as I have outlined. The deal is going to go through.

Mrs. M. Renwick: All right. Now, if the minister did not have with him the amounts of money that the families will have to—

Hon. Mr. Randall: We have not worked out the schedules. If you asked if we worked them out the same as Parkway, no, I have not worked out the schedules.

Mrs. M. Renwick: No. You see, Mr. Chairman, with all due respect to the minister, part of the problem is that Parkway Forest condominiums, 400 units, Greenwin—was it Greenwin that produced them?—this was a sensational step for people who have no home. And this is what I think ministers of the Crown, if they are working and living and driving on the throughways to their work, and are not seeing hundreds of thousands of people who are looking for places to live, can lose sight of. The minister, with all due respect, just said, “I can never remember the name of that development.” Now, that development is so important to people that they would never forget the name of it.

This is why we asked and asked, Mr. Chairman, for a housing minister. Because, to a housing minister, his first condominiums would be so important he could not forget the name. Rammed in with Trade and Development world-wide, this whole operation is just simply not good enough.

Hon. Mr. Randall: We are working on 15,000 condominium units right now, so stop the nitpicking and let us get down to brass tacks. You have got more intelligence than that, Mrs. Renwick; let us forget the nitpicking and get down to business.

If I could remember every development I have got under me, I would be a miracle man. I could leave here—

Mrs. M. Renwick: Mr. Chairman, I would say to the minister, he may or may not be right. I may, or may not, fall in the minister's category of intelligence, but it is irrelevant.

Hon. Mr. Randall: No. I think you are very intelligent—very intelligent.

Mrs. M. Renwick: It is not important. The important thing is that the people who thought they could get in on the ground floor—the people who are in OHC now in Flemingdon, the people who are in OHC who have watched the newspapers every day for an announcement of the Chapel Glen development—cannot afford it.

They do not all have wives who are working. The minister said most of them do. That one in three women work, is the last statistical figure we have, and they work for an average of \$2,000 a year, Mr. Chairman. The minister is using \$5,000.

If the family income, as the minister puts it, is \$7,000 from the man and \$5,000 from the woman working, is the minister saying that the national average income is \$12,000 a year, because if it is—

Hon. Mr. Randall: No.

Mrs. M. Renwick: —this whole Senate hearing on poverty is, you know—

Hon. Mr. Randall: I am not saying that at all. But your own party, my dear, has been screaming at the government to put up day-care centres, because you say that there are two people working in the family.

Mrs. M. Renwick: Right. One in three women works. That is all we have got to go on.

Hon. Mr. Randall: Now, we have listened to you about the day-care centres, so we assumed there must be two incomes coming in the home.

Mrs. M. Renwick: For a day-care centre in Chapel Glen, Mr. Chairman?

Hon. Mr. Randall: Well, all right, not necessarily.

Mrs. M. Renwick: Is there a day-care centre in this project in Chapel Glen?

Hon. Mr. Randall: For how many children?

Mr. Peacock: Do you know why we screamed? Because half your applicants for family housing are mother led families.

Hon. Mr. Randall: About 30 per cent, 30 per cent.

An hon. member: Maybe if they go to church we will all go to church.

Mr. P. J. Yakabuski (Renfrew South): Do you mean to tell me that the ladies in Chapel Glen are only making \$2,000 a year—the national average. I am sure they are making a hell of a lot more than that.

Mrs. M. Renwick: The national average, Mr. Chairman, the last statistics available—

Mr. Yakabuski: Do you lead us to believe that is the national average in Chapel Glen. You know better than that.

Mr. Chairman: Order, order! Now, let us have a little order. Mrs. Renwick.

Mrs. M. Renwick: Mr. Chairman, this afternoon the hon. member for Parkdale (Mr. Trotter) and Windsor West and myself discussed with the Chairman the fact that we found that the system of each member speaking and each one saying his piece and nobody even able to ask a question at that time or make a comment at that time very inflexible. We got unanimous agreement from the Chairman that we would have the freedom of other members coming into the debate, the way we do in the House, that we were not operating here as we do in the House. The one agreement we did come to, though, was that we would not attack personally because of the difficulty that the *Hansard* people have in recording.

Mr. Chairman: That is the reason that I lowered the gavel. I do not want any vituperation.

Mrs. M. Renwick: I would like to say to the minister that my two letters carry a great deal of importance because there were 1,000 families waiting for those letters. As the minister says, "There are 800 that are not participating even in replying to their request".

Hon. Mr. Randall: They have probably bought homes somewhere else.

Mrs. M. Renwick: The minister has said there will be a day-care centre in there. How many children will it look after?

Hon. Mr. Randall: It is designed with North York requirements to take care of the 3,400 families on the bedroom count that are going in there. I would assume there would be sufficient day-care centres in there

to take care of the people that are moving into that particular project.

An hon. member: Recreation centres?

Hon. Mr. Randall: There will be two centres on the east, I am told, and one on the west.

Mrs. M. Renwick: I am sorry, Mr. Minister, I could not hear that.

Hon. Mr. Randall: There will be two centres on the east and one on the west.

Mrs. M. Renwick: There will be three day-care centres in there all together?

Hon. Mr. Randall: Yes, that is in our agreement. That is the least we will have in there. There may be more before we get through. Of course, they will be restricted to the owners of the condominiums because it is a sale project.

Mrs. M. Renwick: The minister has said he is going to offer these units for sale at exactly the same price. How did the minister achieve that when he could not achieve it anywhere else? How did he hold the price on those units?

Hon. Mr. Randall: The building costs were established with the consortium that is going to build the buildings. The over-all 3,200 units average out at the prices I have outlined here. They are within the HOME guidelines that we point out—\$15,000, \$16,000 and \$17,000. But the land values because of the reduction in the acreage, as I pointed out, and the other amenities—the increased cost of financing the land—have made an increased cost per unit. There is nothing I can do about changing that. It is there. We are going to have to live with it and as far as I am concerned it is still housing the same kind of income people we were talking about in 1967. Regardless of what anybody says, as far as I am concerned, we are doing the job that we said we would do.

Unfortunately, because of delays, we are two and a half years late but we are doing the job we said we would do regardless of what anybody wants to criticize.

I could not care less. I have made my comments on it. There is nothing I can do about it. The cost is in there. The acreage is reduced to 60.5 acres by the township by-laws, by everybody encroaching, including a religious organization so that—

Mrs. M. Renwick: Fine, but Mr. Chairman, when the \$7,000 family goes to purchase

these units, what are they going to have to pay a month? I read from Tom Claridge's article in the *Globe and Mail* that just the principal and interest charges have grown \$74.83 in three years.

He has an article in the Saturday, May 23, *Globe and Mail* telling how the \$92.47 Chapel home cost grew to \$167.30 in three years. And that is not any payment off the home. What does the \$7,000-a-year man end up with clear from taxes—about \$5,000?

Hon. Mr. Randall: I am sorry I—

Mrs. M. Renwick: In the *Globe and Mail*, of May 23, a reporter called Tom Claridge reported that the Chapel Glen home cost has grown from \$92.47 to \$167.30 in three years and that that cost is just principal and interest.

Hon. Mr. Randall: I do not know where he got the figures. Anybody can play with figures. Let me tell you what I think our figures are.

We are talking about a one-bedroom unit and the average cost is 9.5 per cent for 35 years which would be \$145; the tax is roughly \$30, so \$175 would take care of an income of \$7,728. That will range anywhere up to the five-bedroom, Stratawalk homes for the large families—anywhere from \$230 plus taxes to \$275.

In between, there will be the two-, three- and 4-bedrooms so within the range of \$175 to \$275 we will house the same number of people. And if you want to check the kind of rents they are paying now for that accommodation in Toronto, you will find they are paying \$375, \$400 or \$450 and maybe even higher than that.

I still say we are catering to the modest-income families, even though the incomes are not what they were in 1967 and the prices are not what they were in 1967. There is nobody in Metro building units at those prices to house the people at that range.

Mrs. M. Renwick: Well, referring to the two top figures that the minister used, \$230 and \$275 a month. How much does the minister figure a family would have to earn in order to be able to pay that much money for rent? They would have to earn \$1,000 a month; the rent would be 25 per cent of their income. For housing, it is a good chunk of their income. The families you will cater to with the four- and five-bedroom homes at \$275—

Hon. Mr. Randall: Can I ask you one question? What are they paying now in rent, over

which they have no control? All they get for the money they are paying out, like you in your apartment and me in my apartment, is a bedroom full of rent receipts. We have no equity position. I simply suggest to you that nowhere are they going to get the kind of living conditions and the kind of value we have got here for this kind of money and have an equity position.

Mrs. M. Renwick: Mr. Chairman, that is the point I was trying to make with the minister. These units are for people who pay \$275 a month, as we do, and they are not for people who are already housed in OHC on rent-geared-to-income and cannot now get out of OHC into a house.

Hon. Mr. Randall: Just a minute. We have a public housing programme for people on rent-geared-to-income.

Mrs. M. Renwick: Right. But it was a transitional place, the minister said, for them to go until they got housing.

Hon. Mr. Randall: In some areas. Perhaps you are never going to find that in the city of Toronto, if you recognize the cost of land here. But in the city of Toronto, also, many of these people are going to be dropping into public housing or rent-geared-to-income if you do not provide accommodation which they are renting from private landlords at prices they perhaps cannot afford. If they are paying these prices today, at least they have an equity position.

Mrs. M. Renwick: Well, Mr. Minister, there are still many questions to be answered about Chapel Glen. I think the member for Windsor West has a question about the subject that we are on.

Hon. Mr. Randall: I suggest to you that there may be many questions that you would like to ask about Chapel Glen. It is going to go. We have made up our minds how we are going to do it. I am sure that in the House you can ask as many questions as you like. We will have a schedule made out when the builders get organized, and I am sure—

Mrs. M. Renwick: Mr. Chairman, I will not be put off that easily by the minister. We have quite a bit of difficulty getting answers from the Ontario Housing Corporation.

Do you know that I have got some questions here that we placed to the corporation that never got answered? We placed written questions to the corporation, and we have a letter attached to them from the hon. member

for Riverdale (Mr. J. Renwick) to the chairman of the commission, Mr. Evans, dated May 23, 1969. Do you know we do not have those questions answered yet, and this is 1970?

And the minister says, "You just ask all those questions in the House". No, Mr. Minister, I think we will have to ask you how you held the price on those units. Did you hold them by having smaller units?

Hon. Mr. Randall: Well, certainly. We did everything we could to maintain the price on the units and to provide housing for people.

Mrs. M. Renwick: What the letter did not say is how small those units are. The letter says—

Hon. Mr. Randall: May I ask you a question? Do you want the units to be built or do you not? Are you against Chapel Glen?

Mrs. M. Renwick: Mr. Chairman, I am not objecting to the units being built.

Interjections by hon. members.

Mrs. M. Renwick: My gosh, I am trying to pretend they are not here.

Mr. Chairman, I would say to the minister that this letter of May 20, if it were coming to me waiting for a house to buy in Chapel Glen, would give me no idea what I could buy for \$18,000 except that it is a one-bedroom, or for \$30,000 except that it is a five-bedroom. I would ask the minister, what size are the bedrooms?

Hon. Mr. Randall: I think we started off with NHA standards, which is what?

Mrs. M. Renwick: Which is what?

Hon. Mr. Randall: What is the square footage? I understand the first one would be 120 square feet; the second 100 and the third 90, right? That is according to NHA standards for a three-bedroom apartment.

Mrs. M. Renwick: That is a bedroom 10 x 12; 10 x 10, and what is the 90? How does 90 work out?

Mr. Yakabuski: Try 9 x 10.

Hon. Mr. Randall: They would have been the same size back in 1967 had we built them. The only change is the price.

Mrs. M. Renwick: They would have been the same size? How much does the minister buy this space for a square foot?

Hon. Mr. Randall: I do not know. I have not worked it out.

Mrs. M. Renwick: Mr. Chairman, I was told by some of the largest developers in the city of Toronto this morning that the minute a developer looks at a project, or he is involved with purchasing a project, or he is planning a project, he takes the cost of the building and the land and his pencil and he tells you the square footage like that. I am not to be put off in any means by the minister telling me that he does not know what the square footage costs are in his housing. Not only here, but what does it cost in some other—

Hon. Mr. Randall: I will be glad to find out for you.

Mrs. M. Renwick: Would the minister list, then, the square footage that the minister has paid for all of his housing developments? Would the minister also table the cost of all his land that he has purchased and when it was purchased and from whom it was purchased?

Hon. Mr. Randall: Do you mean in all Ontario?

Mrs. M. Renwick: In all Ontario, I think so.

Hon. Mr. Randall: I think we filed that with Mr. Sargent, was it two years ago. There is no secret on that. It has been filed, I guess, three or four times.

Mrs. M. Renwick: What is the secret about the square footage, then, Mr. Minister?

Hon. Mr. Randall: We just have not worked it out. We have got the—

Mrs. M. Renwick: When you are going to pay millions of dollars for land and millions of dollars—\$60 million for Chapel Glen, \$60 million for the buildings and—

Hon. Mr. Randall: But do not forget all the amenities, the sidewalks, the roads, the parks and the—

Mrs. M. Renwick: But what you end up with—

Hon. Mr. Randall: —the verandahs. Take all this into consideration.

Mrs. M. Renwick: Yes, but what you end up with and are able to sell are a few square feet that make up a unit or a home.

Hon. Mr. Randall: We are not selling it. The builder is producing it and selling it to people on the terms that we established under the HOME programme.

Mrs. M. Renwick: What is he selling it for per square foot?

Hon. Mr. Randall: I cannot tell you. We would have to work it out for you.

Mrs. M. Renwick: You do not know?

Hon. Mr. Randall: No, I have never been asked the question. Nobody has asked that question yet; I have not worked it out per square foot. But I say when you work out the square footage you will have to take into consideration all these other things. For instance, I said this afternoon, there are going to be garages down there. What is it \$1,500 per suite for a garage? We did not expect it—well, we expected it but we did not know what the cost would be in view of the bylaws of North York. However—

Mrs. M. Renwick: Did you fix the right-angle turn?

Hon. Mr. Randall: It could be right- or left-angle turns or straight up, I would not know.

Mrs. M. Renwick: I think it is very important to know if the borough of North York do not want the right-angle turns!

Interjections by hon. members.

Mrs. M. Renwick: Would the minister, when he is coming through with the square foot cost for—

Hon. Mr. Randall: Really, I do not think this means anything to you. I will get it for you, but there is no use hounding away. I do not have it with me tonight.

Mrs. M. Renwick: When the minister comes through, would he come through with one other square foot cost?

Hon. Mr. Randall: Sure, you give me the—

Mrs. M. Renwick: Just for a comparison.

Hon. Mr. Randall: Tell me what you want, I will be glad to get it.

Mrs. M. Renwick: The first purchase in Flemingdom Park; the first purchase of the garden home units.

Hon. Mr. Randall: You mean the ones that are on the public housing?

Mrs. M. Renwick: Right.

Hon. Mr. Randall: What would that have to do with this one?

Mrs. M. Renwick: I think it is a very—

Hon. Mr. Randall: How can you compare apples and oranges?

Mrs. M. Renwick: I want to compare the figure for the square footage of the first ones with the current market at that time. I think the minister paid, maybe, what—\$14 a square foot?

Hon. Mr. Randall: I cannot remember.

Mrs. M. Renwick: When the current rate was, maybe, \$11. I do not know. I have to go back, in my head, three years. But that is something how it went. I would like to know what the minister's square footage was then and what it is now.

Hon. Mr. Randall: All right. I will be—

Mrs. M. Renwick: Because the minister knows that while we are talking about this land that the government bought for \$215,000 an acre and \$150,000 an acre in 1967, we all know up there that it sold for \$14,000 an acre in the latter part of 1959 or 1960. Talk about inflation, anybody who wants to write a story on inflation could just take a look at the land in Flemingdon Park.

Hon. Mr. Randall: I would have to check those figures. I said earlier that if you are going to put density on acreage in the urban areas, it does not matter how much you pay for the land if you can get the density. You go down here to the Toronto Dominion Bank; with the size of the building they have got and the kind of money they would pay for the land down there, as long as they get the density, the acreage does not cost them very much. I can show you an insurance building in Chicago, 105 stories on three-quarters of an acre. They probably bought that land for about \$10 million but on the three-quarters of an acre they have put up a 105-story building. You have to relate it to the number of people who live on that acreage.

Mrs. M. Renwick: Okay. Would the minister tell me when NHA made these standards; have they changed at all since the project was planned in 1967?

Hon. Mr. Randall: No, I do not think there have been any major changes.

Mrs. M. Renwick: They have not changed?

Hon. Mr. Randall: I doubt it.

Mrs. M. Renwick: Before we leave the size of those bedrooms—

Hon. Mr. Randall: Mr. Trudeau said "Stay out of the bedrooms of the nation", so I am paying very careful attention to Mr. Trudeau.

Mrs. M. Renwick: There is one thing about dealing with the Minister of Trade and Development, Mr. Chairman. You can be sure that it will be jovial. Except for one day when he read me a five-page tirade. It is usually a very convivial conversation that goes on.

We have to look at these bedrooms, Mr. Chairman, because I had a case recently in my riding. I went out to look at it and I went, as a matter of fact, Mr. Minister, at nine o'clock yesterday morning. I went into your management office on Kennedy Road, in my riding. I found, a man sitting at his desk eager and ready for work; in fact, dispatching it—Mr. Renault. A handyman came in, appropriately called Mr. Friend; he was very concerned about a door with a broken bar on it, that it might be unsafe and he wanted clips to replace on the bar on the door. I found Mr. Renault saying to him, "Yes, get them as quickly as possible, the hardware across the street". This was before either one of them knew who I was because I was just sitting on a chair waiting.

I was not coming to spy on them but they were talking when I walked in. I was impressed no end. The next thing, much to my delight, was through the door came the gentleman who is out picking up the orders for work and from this large project, of how many units—400? From this project was a pile of work orders—15, 20, 40—and they were being dispatched to University Avenue by the dispatcher, not even by mail. I sat back in absolute wonderment and I asked who is responsible for this, this is so refreshing to come in and see this.

Mr. Yakabuski: Hon. Mr. Randall, of course.

Mrs. M. Renwick: The man said "Mr. Cattermole is my director." I think, Mr. Chairman, the minister can go home and sleep peacefully about broken accoutrements that occur when you rent suites, even when you live in them. This was being handled in such a proficient way that it was really something to watch.

I asked about a family that had been housed there. We get a lot of applications,

Mr. Chairman, about housing, but this one particularly hit through to me because it was a family which had adopted four children. The father had two jobs to make an income for the family. The children ranged in age from two little girls of 6 or 7 to an adult boy of maybe 14 and an adult boy, I think of 18 or 19.

When the father had two jobs they paid \$195 a month for a garden home. Once that was gone they had to apply to OHC. They were accommodated, fortunately, because they had fallen behind in rent since the father's gall-bladder operation. The mother is a frail woman who weighs 89 pounds and is not the sort of woman of whom you can say, "Mother can go out to work," although I gather father and mother, when things got tough, worked doing offices in the evening.

I phoned the Ontario Housing Corporation, and I got very good service in looking at this family and assessing their problem and assessing their needs, and they were placed in one of these units—not in a garden home but not in a high-rise either, Mr. Chairman, which was a bit of help. There are doctors' letters on file at the corporation on this particular family.

I would just like to point out to the minister that when the corporation is placing a family, of necessity, they have to deal with each individual case. The minister will say, yes they do, and he will stand behind his corporation, but I would like to ask him to look into this one particular problem and to look into it well. When I went round to see the family they did not fit very well into the unit.

The first unit offered this family was in Regent Park, and because one of the children had come from Sumach Street at a tender age, they did not want to go back into that area. Mr. Minister, I think you would understand that as quickly as anybody; that with a child from that area, and friends of the family and so on in that area, they did not want to go back into that area. They will have on their record that they refused the first opening that was given to them. But they did take the one at Kennedy Road in my riding and when I went to see them in it, they had these three bedrooms, very close, I guess, to the size that the minister has said.

One of the children is emotionally disturbed. This is the eldest boy who came from that area. They tried to give him a little privacy because of his age, so they gave him a room to himself. That room was 10 by 12. Then they gave a room to the 14-year-old boy

and I measured that room off as being 8 x 8, Mr. Chairman. I said that must be wrong; I had better phone back, because that room I believe, if the minister will check, would be 8 x 9.

I do not know how you arrange this sort of arrangement. No two children, unless they were of a very young age, in bunk beds, could fit into an 8 x 9 bedroom. In the third bedroom, which is 10½ x 7, they put bunk beds and put the 6- and 4-year-old there! The mother is on a couch and the father has a cot, a saran chair, that he puts a mattress on and sleeps on in the living room in order to give the older boy a little privacy, because of his emotional disturbance.

This is something that could occur, and I would think that with all the requests for transfers and so on that come into the corporation, this family would have been considered a family suitable to transfer. You can see that family did not fit into those spaces; I do not know how people are going to fit into bedrooms this size in Chapel Glen. The sort of problem that I think is unbelievable occurred in the case of this family already housed in one of these small units. There are on file now letters from doctors about chronic anxiety that is developing in the father because of the operation now causing financial difficulty for them. Also, this letter states that one of the four adopted children has had psychiatric attention.

The letter from Dr. Robert Volpe says:

It is certainly, therefore, in their best medical interests to be in an apartment which is not cramped for space, as crowding will aggravate the disorder noted above.

I do not think that doctors like Dr. Robert Volpe, MD, FRC, (CFACP) put themselves on the line except for a case with which they are really familiar. The doctor has written this particular letter about Mr. McArthur and family, saying:

Dear Mrs. Meredith:

The above-mentioned family has asked me to write you on their behalf. Both Mr. and Mrs. McArthur have been patients of mine for several years. Mrs. McArthur suffers from malabsorption syndrome and spastic colon. As a result of these illnesses and her basic temperament, she has become an extremely anxious person. Similarly, Mr. McArthur suffers from severe chronic anxiety state, largely related to his own financial and domestic problems. Furthermore, one of their four adopted children has had psychiatric attention. It is certainly, therefore, in their best medical inter-

ests to be in an apartment which is not cramped for space, as crowding will certainly aggravate the disorders already noted above.

That letter had to go to the corporation, Mr. Chairman and Mr. Minister, because it just did not seem possible for Mrs. McArthur to communicate to Mrs. Meredith in placement that the family merited consideration for a transfer.

This I would say to the minister, after going in the front door of that operation on Kennedy Road and seeing it run so well, and to go out to the back and talk to this family once more—the minister will recall that three years ago, or two years ago, I had the unpleasant experience of having to read into the record the difficulties I had had personally with Mrs. Meredith of stating that a woman was emotionally disturbed; of stating to a press reporter that a woman was emotionally disturbed; of stating to a tenant who was going to be moved near the woman, that the woman was emotionally disturbed, when the woman was not at all, Mr. Chairman.

After all this time, to come back and hear what I have heard from Mrs. McArthur distresses me. Mrs. McArthur went to Mr. Renault. Mr. Renault, being the fine worker that he is, telephoned the corporation and relayed the full story of this family over the phone to Mrs. Meredith at the corporation. Mrs. McArthur tells me that when Mrs. Meredith spoke to her she said, "What is the problem?" The problem had already been placed very clearly, Mr. Chairman, according to Mrs. McArthur, and I just do not understand the attitude. If it is the attitude that is going to permeate placement, I would be really worried, but I want to make it quite clear to the minister that in placing this family, I found good co-operation in placement.

It was dealing with somebody else, and I found excellent co-operation and understanding for a family with four adopted children. If they have no place to live, we end up with four adopted children back in children's aid and that message got through. But Mrs. Meredith, back from her trip to Europe, should have been the essence of diplomacy and helpfulness to a woman who weighed 89 pounds and is sick.

The conversation I am told went along the lines of, "As far as I am concerned, you are already placed." The woman made the foolish statement of, "Politics got me in here and politics will get me out," which I, of course, would not approve of, because we do not want people placed this way. But what do

you do when you see four adopted children in a family? You pressure and pressure until you get them accommodation. In spite of any faulty remarks, if Mrs. McArthur would like to say to the minister that those were pretty faulty remarks of Mrs. Meredith's: You just have the advantage and I pointed this out to the head placement person three years ago, that she and I would not make the mistakes of taking a unit and backing down; we would not make the mistakes that these women make when they are calling OHC in desperation. It behooves both her and me to bend over backward to understand the problem and to deal with it the very best way we can.

This lady tells me that she said, as a last approach, "Well, would you do me one favour, Mrs. Meredith?" and she says, Mrs. Meredith replied, "I will if I can." And she breathed a sigh of relief and said, "Would you consider me for a town house?" and she says she was told, "I would not even think of giving you a town house." I am told, Mr. Minister, that she argued with the woman that she was not an eviction case.

Well, they were so far behind in their rent, and I got full co-operation from Mr. Hutchison, the property manager of A. E. LePage. I wrote him the following letter on May 9:

Dear Mr. Hutchison:

Thank you for the courtesy extended to me regarding the need for Mr. McArthur to leave unit 134 at 550 Brimorton Drive in Scarborough. I am sure it was the sincere efforts of yourself in allowing the eviction to be put off for another week, and Mr. McArthur's own remarkable efforts of trying to keep a family together in this day and age of spiralling costs, and of the Ontario Housing Corporation to give a unit to the family that this situation has turned out so well.

That is the first paragraph of the letter, and the rest deals with the man's financial position and so on, which I do not really think is important at this particular time.

Mr. Yakabuski: Come on; get it all in *Hansard*.

Mrs. M. Renwick: Can I say to the minister that there is no good in having work—well, the corporation is very concerned about its public relations. If we ask, Mr. Minister, how many dollars you have spent this year on public relations, it would be astronomical, and the public relations is going down the drain if people are being talked to in that fashion. I can only go by the fact that when

I talked to the lady—she has had one conversation with the corporation; the corporation has several in a day—she seemed to remember very clearly the statements that were made.

Hon. Mr. Randall: You have just said the lady was in bad health.

Mrs. M. Renwick: Yes.

Hon. Mr. Randall: Her husband is in bad health too—

Mrs. M. Renwick: It is nice to stand by them, Mr. Minister, but they cannot—

Hon. Mr. Randall: Just let me finish. And her youngsters are in trouble. I want to say to you—and I do not say it facetiously—there are always three stories: yours, mine and the truth.

Mrs. M. Renwick: Okay.

Hon. Mr. Randall: Now, you are getting your story from a lady who has got a neurotic problem and she is going to tell you things that perhaps may or may not have taken place. I just suggest to you that since you have given us her name, I will have it investigated by my housing authorities, and we will look into the McArthur family and see just what their circumstances are. I cannot completely buy the fact that Mrs. McArthur is 100 per cent right and everybody at the housing corporation is wrong, because we are not there to do the kind of things that Mrs. McArthur suggests that we have done. There may be other circumstances, and I would like to look at the other circumstances before I pass judgement on it, and I quite prefer to look into it.

Mrs. M. Renwick: Mr. Chairman, I would like to ask the minister, do you have cassette tape recorders from the corporation when you go out to interview people?

Hon. Mr. Randall: No. Mr. Lorimer, who is a member of the NDP party, uses tape recorders every time he comes here.

Mr. Peacock: Who, Ken Lorimer?

Hon. Mr. Randall: He sure does. I think he goes to bed with one.

Mrs. M. Renwick: Well, Mr. Chairman, it is a pretty serious problem, and it is a difficult one for me to deal with. I have gone through so many of these problems concerning the same placement officer, that I just isolated one.

If you want to go on doing business this way and keep reaping the cost, while it is distasteful, it certainly is something that you ought to be concerned with. I would think that phone calls should be monitored of people handling the public, and I just do not think they should be handled by somebody who speaks the way Mrs. Meredith spoke to me one day. You want to take on somebody who is not emotionally disturbed. I will say uncategorically, Mr. Chairman, that I have been spoken to in a fashion that I would certainly not put up with ordinarily.

Hon. Mr. Randall: Let me say, also, that you have spoken to some of my civil servants in a way that I would not permit you to speak to them, if I was around.

Mr. Yakabuski: Oh, no!

Mrs. M. Renwick: Name one, Mr. Minister. Name one. Will you name one civil servant to whom I have been rude, because I depend on civil servants a great deal, and I can only have the highest respect for them.

Hon. Mr. Randall: I am not naming any one civil servant; I am saying that I have had reported to me some of the conversations on the telephone with you and some of your business to some of our areas, and I am suggesting to you that there are two sides to every story. For me to sit here and point the finger at you, I do not have the evidence; neither do you.

Mrs. M. Renwick: Mr. Chairman, when I first complained about Mrs. Meredith dealing with me over the telephone about a Mrs. Benedetto, Mr. Suters asked me to put it in writing, and I said I would not ordinarily have thought of doing so right away. This was one of my very first calls to the Ontario Housing Corporation. But if Mr. Suters wanted it in writing, I would put it in writing. Finally, when we finished our conversation, Mr. Suters had pretty well said, "Do not worry about this any further; I realize that there are problems. Will you come down and see me?" Fine.

Now, I would say to the minister, if you have any complaint about any conversation that I have had with any person whatsoever concerning his work, that he put up, because I have worked with people in the public for most of my life, especially on telephones, and I simply have never left myself open to the sort of remark that the minister has just made. The minister can substantiate the remark or withdraw the remark—one or the other.

Hon. Mr. Randall: Let me say this. I said earlier there are always three sides to the story. I get other sides too. I will take your word for it that you have not made these remarks. But I simply suggest to you that you are not showing too much consideration for people who are browbeaten and bullied and cried to and pushed around and pressured in the Ontario Housing Corporation, day in and day out, by people whose circumstances perhaps cause them to be somewhat neurotic.

We have had, as I said in the House some time ago, people walk in and break glass bottles on the counter and chase people around the office. We have had to put a policeman in there to protect the staff. You do not realize these things. Let me suggest we recognize that when people are in desperate circumstances, they will say and do things that possibly they would not do under normal circumstances.

We recognize that; we try to take that into consideration. But if at any time you find any person on my staff who is discourteous to you or to the staff, I hope you would complain to me and let me correct it or do something about it. Because I can tell you right now that the most difficult job the housing corporation has is to maintain good public relations with people, who are egged on and they come in and dump garbage in our offices. I had a group walk in today at 1 o'clock. I met a *Globe and Mail* reporter, and he said, "What time are you meeting the delegation today?" I said, "What delegation?" "Oh," he said, "do you not know there is a delegation coming to your office between 1 and 2?" I said, "I do not." And the delegation was there when I came out for my lunch. I did not make an appointment with them, but if I had not seen them, I would have been accused of brushing them off, so I took the time to see them.

I do not appreciate these confrontations. I do not believe that, as some of the members in your party say—and I have heard one of them say it—"If you want to get in with the politicians, you take a physical presence there and scare them." And I just want to tell you that nobody scares me; I do not give a damn how many people come. If we are wrong any time, I would ask you call me personally and I will check into it, but I will not stand for anybody abusing my staff unless they have got absolute proof, and that is my responsibility to the housing corporation or to anybody else in my department.

If they are wrong, I will chastise them. I have done this all my life in industry, and I

will do it in my own way. But I have to have the facts. I am not going to take some woman's word for it, who says over the phone she was abused, and you tell me she is 89 pounds, her husband has got ulcers or something or other and she has youngsters she is having problems with.

I think you can recognize that we get many of those people on the phone every day of the week, and they are going to let themselves go, because they are upset and they are distraught. We can understand that and we try to deal with it. But sometimes the only way you can stop those people is to be very brutal with them, and I have some people come in my office that I have to be brutal with.

Mrs. M. Renwick: Well, Mr. Chairman, I might say to the minister that it is not worth very much time to be spent on it. I think it behooves the minister to take a look around and talk to some other people—I am not saying people at the Ontario Housing Corporation; I am saying Mrs. Meredith, as I believe, chief placement officer, just simply lets her emotions and her way of dealing with people come to the surface. I think the minister realizes that I cannot prove this, unless I can sit in and listen on telephone conversations, which maybe I will have to do. Because I am surprised that it is still going on after all this time. The minister knows we are in a position where we find it very difficult to prove several things about the corporation that really come up as a question mark.

For instance, there are 50 empty units at Birchmount and Finch, or there were last week when I was there, and 200 empty apartment units, while Mr. Wells, the minister for that area, and his assistant Larry Kent, were having to tell a family of five sleeping in a basement with pipes and furnace right beside their five beds that there is no accommodation for them, and we go up and look at the units and we find them sitting there empty.

Of course, the corporation can say to me, "We have offers out on every one of those 53 garden garden homes." I have no way of knowing whether they have or not. I am simply saying they are empty now; they were finished at the end of December, they were opened in the spring and it was no courtesy to the minister responsible for constituents in that area to have the same people who were on the waiting list for housing go by all these empty units.

I know there will be explanations of checking and so on, but we cannot prove these

things, I cannot prove that Mrs. MacArthur's conversation was as it was; it simply sounds awfully logical to me.

Hon. Mr. Randall: Let me just go back. I think that Mr. Clow, the chairman of the board, went on television the same night you did—

Mrs. M. Renwick: Oh yes, he got up there the same morning, Mr. Minister, because the CBC fellows started phoning and asking about the empty units. I got out there and found the director of the corporation on the site. A most unusual experience.

Hon. Mr. Randall: Yes, because you would get hold of the radio and television people and have them out there ahead of us. Any time you—

Mrs. M. Renwick: It would not do much good to have them out there after—

Hon. Mr. Randall: Whenever you go there, you make sure that the television stations are well notified. The press are notified before we are that there is going to be a confrontation. We are wise to the political pressures applied to us by your party, and I am quite prepared to meet them on your ground. And whenever I find that you have pulled that kind of a stunt, I am quite prepared to have the right kind of people there to answer the questions, and under no circumstances would we leave buildings sit unoccupied if we could put people in them and take the pressures off our neck. With your knowledge of housing you should know we would not let those sit from December until the end of May without putting people in there, if we could put them in.

You recognize that those apartments were not finished. It was only a few months ago that your party again organized a group of people to track after a private landlord and give him hell because they had moved in before the apartment was finished and they were charged full rents, and the guy said, "Well, look, I am not going to pay my rent unless you get the elevators running and fix the sidewalks outside." They were marching around here at Queen's Park screaming about the landlord taking their money and not giving them proper accommodation.

We are not going to move them into our housing developments until the elevators are running, the water in the taps is turned on, and people can move in and they have not got a flock of complaints in the first 24 hours. We get enough complaints with a new building as you recognize, without putting them in when the building is halfway finished.

I have checked into that situation you referred to and I say that our people were right in not letting those people move into the building until it was finished. If I am wrong, I hope you prove I am wrong, but we would be delighted to get the people in as of yesterday. We do not want to see those buildings empty. Why would I have 250 families on my hands, screaming like hell for housing, when I have 250 vacancies? It does not make sense to me.

Mrs. M. Renwick: Mr. Chairman, it does not make sense to anybody. This is nothing to do with my party. I doubt very much if my party has ever spent much time trying to assess how many empty Ontario Housing Corporation units there are between the time they are constructed and the time they are rented. You know what sort of staff we have—half a secretary each. You know that we do not really have the time to do that.

Mr. Chairman, I raised this with the minister as the Prime Minister (Mr. Robarts), said to me, "who put you up to this sort of thing?" I would like to tell the minister just exactly who. I do not want to get away from Chapel Glen, but this is the sort of thing that is so hard to prove when you are a legislator and you want to see those units filled.

The minister has to take into consideration that I have been preconditioned about empty OHC units by the 60 units in my riding in October, 1967, which had been sitting there then for nearly three months, with grass, with trees, with water, with heat. Six units were inspected and six were released. Six more were inspected the next week, and when I phoned the corporation they had nothing on the agenda for the balance of the 60 units—of the first units—at McCowan Road and Eglinton.

Mr. Chairman, I am preconditioned in this fashion. As a candidate in that election, just like the minister, I was looking at what was what. I did not want to be caught in that election, seeing George Peck, then member for that area, cutting a red ribbon on those 60 units a month later and me sitting back saying, "Well, at last they are going." So I made it my business one rainy night to find out if they really were empty; if they really were heated, they really were operative.

When I called the corporation, Mr. Chairman, with all due respect to the minister—and he would do the same thing if he were in my shoes—those units were on the market.

They were on the market, because they could not be filled with people till two months later, maybe, by the time the people give a month's notice, but they were on the OHC agenda, and they were renting them. All right.

How did they do it? They called on a group of women from a nearby church. They picked up the pieces of wood, the little shavings and so on. They had a little cardboard box outside each unit with this junk in and those units were ready to rent. To me it is the same thing if they have a drain plug missing, or a curtain rod missing.

When I went to the next empty units that I was asked to look at out in Martingrove, there were 35 large family units empty. There was a pile of dirt at the back patio and a square of cement broken which needed to be replaced.

Now I raise this with the minister, because it seems like an embarrassment, surely, to him, to have empty housing units sitting anywhere in the city of Toronto. The minister, Mr. Chairman, may be able to rationalize with me that there are all sorts of reasons why these units are empty, but try rationalizing it to the man in W. J. Realty who manages the high-rises in Flemingdon Park. Try rationalizing it with him, who raised it with me about the Birchmount and Finch units. He raised it about Kennedy Road units, Mr. Minister. He said that, good God, if he had a building like Kennedy Road on his hands with anything higher than a 10 per cent vacancy, he would be in trouble.

The minister can try rationalizing it with the public health workers in the neighbourhood; with the school teachers in the neighbourhood; with the bylaw man who had to go and look at the house where this family had to move in with their brother, and five children. These are all the people who have raised the issue of the empty units at Birchmount and Finch, and Mr. Chairman, I might just have got through to the minister on this empty unit problem, if he stops to think about all these people.

Somebody, unsolicited, phoned my office and gave me the exact units that were sitting there vacant, Mr. Chairman. I did not even have to go out on the project. That is how concerned the general public is now.

I was this concerned two years ago when I raised it with the minister. It is how I happened to end up in that same development that Mrs. Grey moved herself into. I could not get the TV people out there to shoot those empty units, if the minister will recall, because the Trudeau election had just been

called, but boy, when I saw Mrs. Grey was in there I got them out very quickly, because they had a reason to come.

I think that is all water under the bridge, Mr. Minister, but I would say that we cannot always prove—we do not always know, but we are in a position to know where the flak comes to us: "Why have you got those empty units?" The minister is nodding his head affirmatively. I hope he will say to himself: "My God, get CMHC and OHC through those buildings!"

Where is Mr. Else? Is he here? Mr. Else was out there and Mr. Clow was out there. My goodness, I felt I had got the corporation working that morning when I got out there. And what little they needed, Mr. Chairman—Mr. Clow said: "We need grass, we have no landscaping out in front." I think that we know that these are things that some people would be glad to be accommodated without.

Mr. Minister, when you had Chapel Glen before North York board, you got the first amendment to increase the density, to shorten the distance to the edge of the property and to shorten the distance between the buildings.

Then the Metropolitan Toronto planning board, land use division, made a report on the official plan amendment of North York. I think their comments in that report are very relative to the problems that will no doubt be forthcoming at Flemington Park.

Their comments are as follows, Mr. Chairman:

The proposals presently before the board would increase the permitted number of dwelling units from 5,000 to 6,800 units and, while no specific information is available concerning the bedroom composition of the units, it is quite likely that, as a result of Ontario Housing Corporation participation in this project, the ultimate population might be in the order of 25,000 persons, as against the 15,500 population on the original plan.

What would the minister's comments be on that—25,000 persons is what, Mr. Minister? One little brief on the subject says that it is larger than the city of North Bay. How does the minister feel that he can put an extra 10,000 people in there above the original plan?

Hon. Mr. Randall: I am sorry. We were talking about population density.

Mrs. M. Renwick: We were talking about the fact that the metropolitan planning board figures that the ultimate population in Flem-

ington Park might be 25,000 persons, as against the 15,500 that were originally planned for that area.

Hon. Mr. Randall: May I say this, I think if you are talking about 3,200 units you are talking about a family unit of about four. If you took an average of about four, this is what you are talking about in the new area with the 3,200 families. As I said, this has been carefully considered by the North York council.

Mrs. M. Renwick: How many thousand are in there?

Hon. Mr. Randall: Did you not say there were 25,000 in there now? I will take your word for it.

Mrs. M. Renwick: Well, how many are in there now? There are not 25,000 in there now. There will be 25,000 in there when you put up your Chapel Glen development.

Hon. Mr. Randall: We will be adding four times 3,200.

Mrs. M. Renwick: Twelve thousand people.

Hon. Mr. Randall: That is about half of what you have got in Flemington Park, in the old section. If I remember the figures correctly, that is the population,

I think in that area, that is according to North York, taking into consideration the traffic count, Mr. Cass and everybody else involved figures that the density is all right or they would not give us a permit.

Mrs. M. Renwick: I would like to go further on the comment. Bennett says:

In the report submitted to the board in 1959 concern was expressed for potential traffic problems and recreation space. Now that the population is to be substantially increased, these matters are considered to be of utmost importance in the evaluation of the new proposals.

Traffic: In 1959, when Flemington Park was originally evaluated from the point of view of traffic generation, it was proposed to provide 5,000 dwelling units and a 35-acre industrial area which it was estimated would contain about one million square feet, 70 per cent of which would be industrial plants, and 30 per cent in offices.

Since that time, about 700,000 square feet of offices have been built on about a third of the industrial site and it is understood that similarly intensive development

is being contemplated for the balance. The current proposal would increase the number of residential units by 36 per cent to 6,800 units and, as previously indicated, the population may be increased by a substantially greater percentage.

At the same time, changes have taken place in the anticipated development of the surrounding areas. The lands west of Don Mills Road are being developed for the Ontario Museum of Science and Technology instead of the park development originally contemplated. The IBM company to the northwest of Don Mills Road and Eglinton has completed a substantial expansion and is likely to undertake further expansion.

The industrial area to the northeast of Don Mills Road and Eglinton has been developed largely with offices producing far greater employment in the area than was originally projected.

This intensification of development has taken place in an area already subject to great traffic pressures owing to the shortage of arterial road capacity resulting from the breaking up of the regular grid pattern by the Don Valley, Victoria Park Avenue, the first arterial road to the east, is two miles away and Bayview Avenue, two miles to the west, is the first arterial through road since Leslie Street terminates at Eglinton Avenue.

The same problem exists with east-west facilities between Eglinton Avenue and Bloor Street, a distance of 2.5 miles. The only through roads consist of devious routes to the Leaside Bridge and through the valley by Pottery Road. A degree of congestion was anticipated in this area in the metropolitan transportation study, but development trends indicate that the problem will be even more critical.

Increased development in the general area of Eglinton and Don Mills Road has required construction of a grade separation east of the parkway with ramps to Eglinton Avenue linking Flemingdon Park with the Wynford Drive area north of Eglinton. This improvement may help to relieve the existing heavy turning movement at Don Mills Road and Eglinton, but it is questionable whether it will provide any substantial relief to Don Mills Road south of Eglinton. From a traffic aspect it would be undesirable for the additional development, above the 5,000 dwelling units already approved, to take place in the Flemingdon area, one of the most congested areas within Metropolitan Toronto.

It is suggested, therefore, that consideration of the additional residential development now proposed east of the parkway, 1,800 units, be deferred pending a reappraisal of the traffic problems in the general area between Eglinton and Bloor and between Bayview and Victoria Park. This study should have regard for the possibility of connecting Bayview Avenue to Leslie Street and of crossing the Don Valley in the vicinity of St. Clair, as has been requested by the borough of East York. In this connection, the East York council has forwarded the following resolution to the community planning Branch.

Now, what does the minister say about traffic? In this assessment, it is suggested that consideration of the additional residential development now proposed east of the parkway be deferred. The minister had said he is now going ahead both east and west of the parkway. Was there a reappraisal of the traffic problems?

Hon. Mr. Randall: Let me say that regardless of the report that you have read, it has all been gone over before. We have gone over it with a fine-tooth comb and talked to the traffic people, and talked to North York. The traffic report you have been reading was approved by Metro before OHC purchased the property, and as you know that Overlea Bridge is going across.

Mrs. M. Renwick: This report was approved before OHC purchased the property?

Hon. Mr. Randall: Yes, if that is the report I think you are reading, it was approved before we bought the property. Overlea Road is going across the valley, as I understand it, so that it will affect only 1,400 and some units which are going on the Don Mills side, if we want to refer to the west side. So that is 1,400 times four we are talking about there, as far as population goes. The people in the 1,800 units that are going adjacent to the Don Valley expressway are going to use a different access. They will not be using that same area and we—

Mrs. M. Renwick: The people on the west side will not be.

Hon. Mr. Randall: The east side will be using a different type of access, because Overlea Road, as we understand it through Mr. Cass of Metro, is going right across the valley and does not affect or touch the people in the 1,800 units across the Don Valley.

So we are only talking about 1,400 families

added to that. Insofar as all the other properties built up around there are concerned—the commercial properties, the IBM, the centre—all that has been carefully studied by the North York people.

Mrs. M. Renwick: Is the minister saying that the 1,800 units should be 1,400?

Hon. Mr. Randall: No, no!

I am saying the 1,400 are on this side of the Don roadway, on the west side; and the 1,800 are on the other side of the Don Valley. So the 1,800 will not be in the same traffic area that you are talking about here. That was discussed with the Metro road people and their officials and nobody appeared before OMB to tell us that the project could not go ahead on account of traffic.

They looked it over, they went to Imperial Oil, Bata Shoe Company, Olympia and York; all the institutions up there, the federation of labour—

Mr. Peacock: You always quote the federation at us when you can.

Hon. Mr. Randall: I think they went in after we made the deal. Everybody in there had the opportunity to come to OMB and put in their objections. It was carefully studied, I know, by OMB before we got the approval. While it is nice to have it on the record, nonetheless we feel that we have complied with all the regulations. We have met all the conditions required of us and we fully intend to build the units.

Mrs. M. Renwick: Mr. Chairman, I would like to say to the minister that this report on the North York official plan, amendment 239, zoning bylaw 22255 in subdivision T18152; that is the bylaw which the minister, or which the developer I guess, had before North York. I have it here too. He had it before North York for approval of the increased density, and the smaller amount of space around the building. So this is a current report. This is not anything before your purchase.

Hon. Mr. Randall: That was before we bought it. Mr. Goyette tells me that was before we bought it and the density situation, as I told you earlier, was considered to be about 3,600 or 3,700. It was reduced to 3,200 some odd.

Mrs. M. Renwick: Before you bought it? All these things had to be ironed out before you bought it!

Hon. Mr. Randall: Well, some of them did. They could not all be ironed out, as I have said—

Mrs. M. Renwick: Okay, I think the minister would agree with me that the Don Valley Parkway is already over-travelled, and that—

Mr. V. M. Singer (Downsview): That is why we want to push the Spadina Road expressway.

Hon. Mr. Randall: I think Spadina should go ahead. I do not know what anybody else thinks.

Mrs. M. Renwick: Mr. Chairman, I would like to ask the minister what are his answers specifically then in light of these comments about recreation space, because this is the major concern of the people who are trying to assist those people who live in Flemingdon Park to obtain a decent sort of opportunity to enjoy all facets of living; not just of working and coming home and children out on grass where they are not really allowed to play ball games because of windows and so on.

From the report: "The parkland or public open space"—this is Metropolitan Toronto Planning Board's land-use division report:

The parkland or public open space proposed for the ultimate development of Flemingdon Park comprises about 13.4 acres, some of which is ravine land and part of which is the site of an arena presently under construction. Land for playing-field purposes will be provided either on school sites or on Hydro right-of-way. The acreage is not generous, particularly now that a potential population of up to 25,000 persons is likely.

It is appreciated that in conjunction with the various rental developments in the project, various private open spaces are available for passive recreational use and children's playgrounds, and that the Hydro right-of-way may be available for playing fields for a fairly long period of time. It is also true, however, that when the original project was considered, the possibility existed of using parkland west of Don Mills Road and the two pieces of table land east of the parkway.

The land west of Don Mills Road, however, is no longer available, and the effect of the present proposal is to develop the table lands east of the parkway which would make access to the valley more difficult. The valley lands east of the parkway are used at the present time by a private

golf course associated with Flemingdon Park, the Hydro right-of-way, and to the south land owned by the city of Toronto, and the Metropolitan Toronto and Region Conservation Authority.

It is suggested that the proposed Flemingdon Park community of up to 25,000 persons is of sufficient size to justify further studies as to the need for use of the valley for public park purposes. This matter should be resolved before development is initiated.

One proposal which has been made involves the filling of the land owned by the city, both to serve as parkland and to provide for a link road between the two pieces of table land east of the parkway. While the need for the road link is appreciated, the Metropolitan Toronto parks and conservations technical advisory committee is opposed to the filling of this attractive natural area and suggests that the road link be provided, if required, by a minimal fill programme, or the use of a structure. The MTRCA has already requested that the city lands be transferred to the authority for conservation purposes.

It is suggested that the future use of the city lands which has not as yet been resolved, together with the general question of park development in the valley to serve Flemingdon Park, could usefully be resolved at the time as traffic studies determine the future viability of additional residential development east of the parkway.

Now what happened, Mr. Minister, to that recommendation? Did you resolve the need of the use of the valley lands for public purposes? Did you come to an agreement with the MTRCA? Could I ask the minister, did the developer, in fact, originally plan to build down those slopes in a way that no developer has built in the city of Toronto since Hurricane Hazel?

Hon. Mr. Randall: If you will draw a breath—you talk faster than I do, and I did not think anybody could talk faster than I.

Mrs. M. Renwick: We are both salesmen.

Hon. Mr. Randall: Let me just read off something:

In addition to swimming pools and other recreational facilities, which will serve each of the three phases, Modular Precasts will build a 10,000 square foot community centre on Grenoble Drive and contribute \$25,000 toward purchase of equipment for

the centre which will be operated by the North York Parks and Recreational Department.

That is in addition to the community centre already there, which is used as a community centre by the people. There are 10,000 square feet there; roughly, you are talking about 10 bundles of 1,000 square feet apiece. So it is no mean achievement. Across on the east side, there will be two community centres built to handle the people in that 1,800-unit development. I think there is adequate recreational space. This is all worked out with North York with reference to moving in and moving out as far as the traffic is concerned.

Mrs. M. Renwick: Are you saying there will be three community centres?

Hon. Mr. Randall: Yes, for the 3,200 people. It has already been established.

Mrs. M. Renwick: For the 3,200 units.

Hon. Mr. Randall: Well, 3,200 units.

Mrs. M. Renwick: How many people? How many children?

Hon. Mr. Randall: I said an average of four per family, but they are not all children as you can appreciate. Maybe you get half and half, I do not know.

Mr. Peacock: Are any of the buildings going to be on valley land or are they all on the table land?

Hon. Mr. Randall: No, they are on the table land. The valley land is owned by Metro; and what do they have, a golf course down there, or a park?

Mrs. M. Renwick: The Metro conservation authorities—

Hon. Mr. Randall: The Metro conservation authority has it.

Mrs. M. Renwick: The Metro conservation authority tell me they think they have got to stop there with the developer, or get the developer to stop building down the side. I am very glad to see that because if no developer has built down the side since Hurricane Hazel, I am sure that the government should be the last people to have to explain why buildings have taken a landslide.

Hon. Mr. Randall: I will tell you what I would do if I had my way. I would build houses on Scarborough Bluffs and stop the

erosion that has taken place. I know exactly how to do it.

Mrs. M. Renwick: Mr. Chairman, I do not. I would not challenge the minister.

Hon. Mr. Randall: The erosion takes place when you do not engineer to make sure that it is not washed away.

Mr. Peacock: Have you thought of helping Governor Rhodes of Ohio in his campaign for re-election by helping him to build that causeway across from—

Hon. Mr. Randall: I have not done. No, he has not called for my services.

Mr. Peacock: He has to know about you.

Hon. Mr. Randall: I might tell you, the last thing he did—I am sorry I did not have the figures when we were talking about EIO—he came up here and got 10 prospective factories out of Toronto to go to Ohio. We are not the only ones trying to get industry to come from other jurisdictions.

Mrs. M. Renwick: Mr. Chairman, I gather from what the minister said there are going to be about 12,000 more people go into the community.

Hon. Mr. Randall: Well, 10,000 to 12,000. I do not know how big the families will be. We said an average of four per cent.

Mrs. M. Renwick: He says there will be three community centres. My understanding is that the developers put up \$100,000 toward a community centre, but how far does that go in this day? Could the minister or his staff elaborate on the size of the community centres, when they will be completed? Are they going—

Hon. Mr. Randall: As I have said, the first one we know about is the one in phase 1, which is 10,000 square feet. I would imagine the others would not be any less than that, perhaps a little larger. We do not have the exact figures on the two on the east side of the Donway in the 1,800 development.

Mrs. M. Renwick: So there will be one community centre of 10,000 square feet for these 11,000 additional people.

Hon. Mr. Randall: No.

Mrs. M. Renwick: Phase 1 would be 1,400 units.

Hon. Mr. Randall: That is 1,400 by 4, right?

Mrs. M. Renwick: Is there an indoor pool there at all, Mr. Chairman? Could I ask the minister?

Hon. Mr. Randall: Yes, there will be a swimming pool. I presume some will have sauna baths in them.

Mrs. M. Renwick: Is a library going in there at all?

Hon. Mr. Randall: Both indoor and outdoor pools, I am told, in the buildings.

Mrs. M. Renwick: Is a library going in there at all?

Hon. Mr. Randall: I do not know about the library. I said day care centres this afternoon.

Mrs. M. Renwick: You said an ecumenical church? An ecumenical centre?

Hon. Mr. Randall: Yes, if we can get the sky pilot to agree.

Mrs. M. Renwick: What kind of stores are going in there, Mr. Chairman? Could I ask the minister?

Hon. Mr. Randall: I do not think there are any major commercial establishments there. They will use the Don Mills shopping centre or go to Leaside.

Mrs. M. Renwick: Or the Flemingdon Park shopping centre?

Hon. Mr. Randall: If there is a possibility of putting in local shops I understand that they are going to give it some consideration.

Mr. Peacock: Has the planning board not denied you commercial space right in the development? I thought you were up there in March before the planning board to ask for commercial space.

Mr. A. A. Hermant (Ontario Housing Corporation): The question of commercial space, I think, was deleted.

Mrs. M. Renwick: In their summary of their report, Mr. Chairman, they said:

It is suggested that the proposal which involves a substantial increase in the population for Flemingdon Park should be accepted for that portion west of the parkway, which is in conformity with the original scheme; the remainder of the proposal, involving 1,800 units, should, however, be deferred for further study of the traffic implications for the land east of the parkway. This study should have regard for the changes which have taken place in the

general area, including the Ontario Museum of Science and Technology and for the development potential of the balance of Flemington Park industrial area.

The proposal would call for a material alteration of the population distribution anticipated in the Metropolitan plan and might also materially affect the transportation aspects of that plan.

No particular justification has been advanced for the increase in population for this specific area as against any other part of the Don Valley, or for that matter of the metropolitan area. At the same time it must be recognized that other parts of the metropolitan area, having regard for current transportation proposals, could more easily absorb the additional population.

Well, Mr. Chairman, it is obvious that you could not very well take that project out to some other part of Metropolitan Toronto, but would the minister say whether this traffic study has actually taken place? I see that these are the 1,800 units which the minister says will go ahead, in addition to the 1,400; but has the study taken place?

Hon. Mr. Randall: Yes.

Mrs. M. Renwick: And it has received approval?

Hon. Mr. Randall: It has all received approval. What you are doing is flogging a dead horse as far as I am concerned, because we have gone over it very carefully. This is one of the problems we thought might stop the development. We have had that report, we have gone over it and talked about it, talked to everybody involved; and as I said this afternoon, it is now clear for us to go ahead and I see no reason why it should not.

Mrs. M. Renwick: Mr. Chairman, I would say to the minister that it may be a dead horse—

Hon. Mr. Randall: May I ask the date of that report?

Mrs. M. Renwick: Yes, it is the 1968 report, when the first proposals were—

Hon. Mr. Randall: Well, that is a long time ago.

Mrs. M. Renwick: Yes, but the situation has not bettered, it has worsened, if anything, in that area, Mr. Chairman—the density of traffic in that area I mean. There was no FL building there in those days.

Hon. Mr. Randall: Maybe the traffic was not being handled efficiently in those days, maybe they counted on a more efficient traffic flow back in 1968 and they are just now getting up to their limit.

Mrs. M. Renwick: Mr. Chairman, I would say to the minister, as he would say to me, the people who are going to live in this area are going to need helicopters to get downtown, even if it is what the minister calls a downtown location. I would like the minister to agree with me that while this report is not yesterday's report, it is a report showing exactly what had to be considered before the minister could go ahead. It is very difficult for me, I am not a planner, it is very hard to understand; except that politically I understand.

Someone at the planning board says: "When you see our report you will see we were very critical and scathing all through it, and they finally approved it." They tell me they approved it because North York wanted it. Well the planning board people do not seem to want it!

It depends on who wants this sort of thing. Then it finally ends up in the hands of the Ontario Municipal Board, which is an instrument of the very people who want the project in there.

But it just does not add up that these things are not important!

These are the things, Mr. Chairman, that are very important to people who are looking for homes under the HOME plan; and hoping that they would be homes that would be something really worth having, in an area that was free of this kind of problem; and in an area that was planned with recreation, and was planned as far as traffic is concerned.

Hon. Mr. Randall: I will bet the hon. member will be one of our first customers.

Mrs. M. Renwick: I think I will probably be heading east.

Hon. Mr. Randall: Let me just say this. You know and I know there is a great deal of difference between the council and the planners. It is very difficult to get them to agree. The planners have their ideas of what they would like to see and the council have to deal with basic economics and say what can be provided. Between those two positions is a compromise.

I think what we have arrived at here, with North York and the officials involved—includ-

ing the planning board and the board of education, the traffic people, the religious denominations, you name them—I think we have arrived at a position where we have compromised as far as we can compromise. They have agreed we have gone overboard to make it a viable community, a good community to live in at prices we say people can afford. We are prepared to start digging holes and get the project up.

Now we can go back over the traffic reports and throw a lot of ties on the railway tracks, but it is not going to stop the development because it is already in the works and it is moving.

Mrs. M. Renwick: When was the new traffic report, the report that would be more recent than my Metropolitan Toronto Planning Board report, completed? And what did it say?

Hon. Mr. Randall: I do not know if we have that here or not. All we know is we presented it to the OMB and OMB—did they not approve it? It was the developer's job to get the site approved and he was able to do that, apparently, by satisfying the planning board and North York.

Mrs. M. Renwick: Well what is the access road then? Is the access road absolutely settled and is it absolutely cleared? I think that the metropolitan conservation people were involved in having to consider that access road. Is that approved?

Hon. Mr. Randall: As far as I know, yes.

Mrs. M. Renwick: And would anybody else have any other view of whether that road is actually approved or not? I was talking to them today and they said they were considering that road.

Hon. Mr. Randall: As far as I know it is fully approved.

Mr. Hermant: I believe the developers agreed to pay the price to the Metro conservation authority for the road to link it up to Eglinton Avenue.

Mrs. M. Renwick: And they have relinquished the land, the link road to Eglinton Avenue?

Mr. Hermant: I think so, yes.

Mrs. M. Renwick: What about the schools, Mr. Chairman? The schools have all said that they will enlarge their schools.

Hon. Mr. Randall: Well the boards of education up there have had their innings as far as the Chapel Glen is concerned, we came to an agreement with them some time ago.

Mrs. M. Renwick: They say they will construct future additions? They are not talking about portables I hope? I hope they do not back down on that!

Is a road going to be constructed on the east side of the Don Valley Parkway connecting Grenoble Drive and the Don Valley Parkway bridge with St. Dennis Drive; or has that been done?

Hon. Mr. Randall: Yes.

Mr. Hermant: We have a requirement for approval.

Mrs. M. Renwick: And you are meeting that requirement?

Mr. Hermant: The developer is.

Mrs. M. Renwick: Are you meeting the requirement that no buildings be erected closer to Gateway Boulevard and Grenoble Drive, between Don Mills Road and the road mentioned in condition one, and the line shown in red on the map attached hereto? "Part registered plan M834, and further set back therefrom as may be prescribed by the borough of North York."

Mr. Hermant: I believe those requirements are met.

Mrs. M. Renwick: And the third one: "That a right of way of not less than 86 feet be provided within parcel 5 of schedule A to Bylaw 22,255, to permit the extension of Grenoble Drive across the Don River Valley."

Mr. Hermant: The developer, Olympia and York, was required to meet all of those requirements as a condition of site approval for that contract.

Mrs. M. Renwick: Could I ask if we are dealing with any other parcels, other than 1, 3 and 4, in the future development here? I have not seen any mention until now of parcel 5. Is parcel 5 going to be housing?

Mr. Hermant: I am not sure of your numbering designations. Is that the plan attached to the bylaw?

Mrs. M. Renwick: Yes. Parcel 4 is the one where you were going to do away with the 60 units of housing, and you got those squeezed into the higher density—

Mr. Hermant: Parcel 4 is going to be the ecumenical facility, I believe.

Mrs. M. Renwick: I see.

Mr. Hermant: It is 1.4 acres I think.

Hon. Mr. Randall: The community centre.

Mr. Hermant: That is the community centre. I do not have the plans in front of me, it is very difficult to speak on it without the plans.

Hon. Mr. Randall: Well they are going up high so they get their religion, like a duet.

Mrs. M. Renwick: Mr. Chairman, how could the minister justify cutting down the space between the high-rises when the borough in its plan, I think, called for the distance between buildings to be equal to their height? Is that a rule of thumb? How could the minister cut that—what, in half; was that not cut in half?

Hon. Mr. Randall: I do not think so. I think it was fully discussed between the developers and the North York building permit division. We were satisfied they were going to deliver the kind of accommodation we required.

Mrs. M. Renwick: I think you know Mr. Minister—Mr. Chairman, to the minister through you—the minister says: “We are going to be satisfied.” Sure, you are going to be satisfied! But what about the families whose buildings are what—may I ask someone to clarify it for me? Is it 50-some-odd-feet between the buildings now?

Hon. Mr. Randall: We do not have the figures. We do not have the plan for this, but then—

Mrs. M. Renwick: I will just find my figures here and I will have it.

Hon. Mr. Randall: It has been agreed by North York planning board on the distances between buildings. We meet all the requirements of the North York planning board.

Mrs. M. Renwick: Tell me, Mr. Chairman, Mr. Minister, perhaps your staff would be able to tell you that parcel 4, the 60 units that are out because of some sort of building, be it ecumenical or be it recreation, that what you in fact did there was you got a bylaw passed to increase parcel 1 from 600 units to 609, and parcel 3 from 812 units to 864. The distance between those high rises was cut

down. How many 27-floor buildings are there going to be? How many?

Mr. Hermant: I might say that the plan I have for the numbering does not conform to what you have and it is very difficult for me to follow.

Mrs. M. Renwick: Well how many high-rises are there and how far apart are they? That is a simple enough question, I hope.

Mr. Hermant: In phase 1, there are three high-rise buildings, two buildings at 22 stories and one at 26 stories.

Mrs. M. Renwick: Two at 22 and one at 26?

Mr. Hermant: There is also a six-story building on parcel B.

Mrs. M. Renwick: And how about the distance between those high-rises? I think the borough bylaw required 107.5 feet. Do I understand that that has been cut to 50 feet?

Mr. Hermant: I do not have the site plans here.

Hon. Mr. Randall: I must continue to say that it meets all the standards of North York building requirements and I do not think you are gaining anything by—

Mrs. M. Renwick: No.

Hon. Mr. Randall: —by asking if they are 50 feet or 75 feet. We do not give a damn. As far as I am concerned we have met the on-site requirements of North York. They say it is good living accommodation for the people and these questions are purely academic—we are not solving a thing.

So you can keep on asking the questions; I cannot give you any more information than we have got. I do not think you are reading from the same report we have.

We have told you what the facts are and we are not changing. We are just going right ahead where we are. Any comments you have to make are okay with us, but we are going to build the building exactly the way North York says we can build it, and approved by OMB.

Mrs. M. Renwick: Mr. Chairman, then the minister has lost the point completely because—

Hon. Mr. Randall: I have not lost anything.

Mrs. Renwick: I realize that the minister is going to build the units exactly the way they are.

Hon. Mr. Randall: They are well planned.

Mrs. M. Renwick: I am asking the minister how he justifies the developer getting a change in the bylaw from having to have 107.5 feet between buildings to just 50 feet between buildings? I mean 50 feet between two high-rise buildings is just unbelievable.

Hon. Mr. Randall: Perhaps the developer gave something else away. There have been a number of changes in the site to build this condominium village and perhaps the builder made other concessions which met with the North York bylaws. They made concessions, we made concessions.

All I can suggest to you is that it is approved, it is ready for building and it is going to go ahead.

Mrs. M. Renwick: The minister did not like it when Mr. Hellyer said that he was—

Hon. Mr. Randall: If you want it changed around—

Mrs. M. Renwick: —building inferior accommodation in Toronto and Metropolitan Toronto, and if those high-rise buildings are as this borough of North York information says they are, 50 feet apart, and they have reduced the distance between the property line to just 50 feet also, I do not think that this development is going to be anything that the minister or anybody else can be proud of. It is going to be so—

Hon. Mr. Randall: I can tell you right now, I have seen the plans. I am very proud of them right at this moment. In fact, I would be the first one to move in, if I had the opportunity. Make me an offer.

Mr. D. M. De Monte (Dovercourt): You probably could not get a placement.

Mrs. M. Renwick: Would the minister tell me something about how he is operating the housing authorities? I think the minister listed quite a number of them and I have a manual, but it is an old manual—I do not suppose it is up to date, it is July, 1963. It refers to the No. 3 agreement in the manual, which is the agreement between the housing authority and the province; it refers to specific amounts of money that the housing authority will get per unit for the numbers of units that it looks after.

It refers also to something that I would

like someone in the corporation to explain in detail. It refers to a set subsidy for that project. In other words, a subsidy amount below which they shall not fall when they are placing people.

Now we have always assumed from where I sit that people were placed in the Ontario Housing Corporation units on some system that we knew nothing about, but we did not dream that it was being set on a certain subsidy, that the subsidy is being set and the units are being filled to meet that subsidy. Would the minister explain that system?

Hon. Mr. Randall: Do you want me to answer that question now?

Mrs. M. Renwick: Yes, Mr. Chairman, I think the best thing to do is to answer the questions as they go along. I realize this is probably aggravating for the minister, because obviously if he were a minister of housing he would be spending his time in the Ontario Housing Corporation, and being the Minister of Trade and Development it is quite a different thing. He is not; he is relying on other people and has to. I think it must be tedious, but I would appreciate answers. Is it Mr. Goyette who is sitting beside the minister? I would like his explanation.

Hon. Mr. Randall: Let me tell you, you can give me the needle all you like about the housing minister. It is not tedious for me. As I said, I do not mind sitting here until Christmas. It does not make a particle of difference, one session, 10 sessions, 50 sessions, I could not care less.

About the questions you ask here, reading from a report I think dated 1963, there has been a number of changes. Perhaps—

Mrs. M. Renwick: Perhaps you could bring me up to date.

Hon. Mr. Randall: Perhaps Mr. Whaley will bring you up to date. We would be glad to.

Mrs. M. Renwick: Okay, would Mr. Whaley bring me up to date on exactly what is paid for each group? I think there were three groups in development that were under 175 units and developments that were above. And would Mr. Whaley explain how the housing authorities are paid for their care and maintenance and so on? What is the formula?

Mr. E. J. Whaley (Ontario Housing Corporation): Mr. Chairman, I think the question is changed. The original question, as I understood it, referred to a target subsidy.

Mrs. M. Renwick: That was the second question, Mr. Whaley, but go ahead. If you would like to give me the second answer first, that is fine.

Mr. Whaley: The No. 3 agreement to which you are referring was an agreement in the days when rental housing was developed on a federal-provincial partnership basis. In accordance with that agreement the housing authorities were required to be subject to certain financial restraints. Their budgets, for example, were subject to the approval of the federal-provincial partnership, and in determining the budgetary requirements the partnership did set a target subsidy, which I would stress was a target.

If my memory serves me, in that particular agreement you will find that there is a reference made to a statement that the target subsidy is X number of dollars, or such amount as the federal-provincial partnership may determine from time to time. In other words, there was provision for the federal-provincial partnership to determine, in the light of a change in economic circumstances, that the subsidy should be increased or decreased.

Mrs. M. Renwick: And is that still in effect now?

Mr. Whaley: We do not develop rental housing under federal-provincial partnership arrangements.

Mrs. M. Renwick: No, but do you still have a subsidy that you take into consideration when you are filling a development, either through OHC directly or through the housing authorities?

Mr. Whaley: There is still a financial constraint on the part of housing authorities that each project, and the subsidy applicable to that particular project, is dealt with on an individual basis. In other words, there is no target subsidy as such.

Mrs. M. Renwick: How is it assessed? Is it a lump subsidy for the project?

Mr. Whaley: Yes, it is dealt with on a project basis, and then the total amount of subsidy is divided by the number of units in order to arrive at a per-unit target subsidy. In other words, depending upon the level of income of a family in a unit, the subsidy to one family, because they are in a lower-income category, would be higher than a family in a higher-income category.

Mrs. M. Renwick: We got a list, Mr. Chairman, from the corporation last year of all the subsidies per development, and they varied from \$10, or \$11 a month, to as high, in one Barrie development I remember, as \$30. There was a development where the subsidy, the final subsidized amount, was as high as, I believe \$50 or \$60 in Sault Ste. Marie.

Mr. Whaley: Oh sure, it could vary from municipality to municipality, depending upon the average of the project of course.

Mrs. M. Renwick: I assumed, Mr. Chairman, that this was a subsidy that just evolved after you have filled a building, taking into consideration anything you do. I always thought they should be filled, like any apartment building is filled, Mr. Minister, willy-nilly, and cull it out afterward if you have problems—that we should be that open as a public supplier of housing. Then you deal with what you have filled it with.

What I would like to get answered very clearly is are we filling those units, keeping in mind what the average subsidy is to that area? In other words, if a family in their income class falls in the \$140-a-month bracket and your breakeven point in that development is \$150, you know you have a \$10 subsidy for that family. Right? And you have another family where you have a \$25 subsidy, and one where you have \$5; so you end up with a \$40 subsidy on three families; or maybe that is the average you want. Are we actually filling buildings that way?

Mr. Whaley: The question of the income of the family, which of course relates to the subsidy that is payable, has no relationship whatsoever to the selection of families when they are being allocated to units, none whatsoever.

Mrs. M. Renwick: Is there a subsidy set prior to your filling the units?

Mr. Whaley: No, there is no fixed subsidy at all. In other words, when a family is selected to be allocated to a vacant unit the amount of rent that we charge that family in accordance with this income has no bearing at all on what effect it might have on the subsidy.

Mrs. M. Renwick: Do you know what the subsidy is, for instance, in a given project, such as the one on Kennedy Road?

Mr. Whaley: I do not have the figure in my head, no.

Mrs. M. Renwick: But you do set—

Hon. Mr. Randall: We do not set. I think this is a mistake. If there are 100 suites in the apartment and, let us say, 30 per cent are on welfare and say they would pay \$70 a month apiece and maybe the suite cost \$150; we would have to pay the difference between \$70 and \$150. Let us say \$100 to make it even; we would have to pay the extra \$30.

Mr. Singer: Well the federal government pays too!

Hon. Mr. Randall: Well all right.

Mrs. M. Renwick: And the municipality; does the municipality not pay seven per cent?

Hon. Mr. Randall: The breakdown is 50, 42.5 and 7.5 per cent. So there is no specific subsidy set for a project. If you had all families in there who had fairly good incomes that met the economic rent, it might be almost subsidy-free.

Mrs. M. Renwick: But you are saying that the corporation takes nothing like that into consideration when it is filling units?

Hon. Mr. Randall: No, no.

Mrs. M. Renwick: All right. Does it take into consideration how many families might be headed by women? I am looking at an article from the *Telegram*, Monday, May 25, which says:

The Ontario branch of the Canadian Federation of Business and Professional Women's Clubs decided Saturday to conduct a study of the Ontario Housing Corporation's 10 per cent limit on available accommodation, which may be assigned to families headed by women.

Delegates to the Ontario branch's 24th annual conference approved a resolution by Sudbury members who expressed concern that mother-led families are not getting their fair share of housing. The OHC limits welfare cases to 20 per cent of total accommodation and then the 10 per cent limit for mother-led families is included in the allotment for welfare cases.

Should the study show a need for change in the allotment system, the organization will submit a brief to the provincial government.

Several delegates attending the three-day conference expressed concern—

Well, that is about their own affairs.

Now I have heard the 20 per cent figure before; I think it should be established very clearly if that is the way we are making up the tenancy of buildings. I had not heard about mother-led families before. Is there some rule of thumb about mother-led families?

Mr. Whaley: There are certain guidelines which we endeavour to operate to in the interest of good management practices and in our opinion, in the interest of the families living in the development. We do say that the optimum number of single families, as a guideline, should be 20 per cent, with an upper limit of 25 per cent.

Mrs. M. Renwick: Single-parent!

Mr. Whaley: Single-parent families. But we do find that the practicality of the situation is such that, in many instances, we have to exceed that particular percentage. One figure that comes to mind refers to the LaSalle project in Thunder Bay; of 102 families there, 41 of them are single-parent families. But we do have guidelines, and I think that it is only practical for us to have guidelines.

Mr. Singer: What would your figure be in Lawrence Heights?

Mr. Whaley: I believe it is around 27 or 29 per cent. It is under 30 per cent.

Mr. Singer: Yes, that is what I thought. I think it is very high, probably as it should be.

Mrs. M. Renwick: What would it be in Flemingdon Park?

Mr. Whaley: We have the figure here; I am told it is close to 22 per cent.

Mrs. M. Renwick: How about 3181 Eglinton? Is it 3181 or 3131?

Hon. Mr. Randall: They are all over 20 per cent.

Mrs. M. Renwick: All pretty well over 20?

Mr. Whaley: They range between 20 and 30 per cent.

Mrs. M. Renwick: There was an article in the *Star* in August, 1969, called "How They Decide If You Will Live in Public Housing", and it published the point system, starting with overcrowding, five points; and so on. It failed to list something that I have on an Ontario housing investigation report. It listed overcrowding, disrepair, inadequate kitchen facilities, inadequate bathroom facilities and

so on. But it failed to list in the newspaper "suitability — maximum points A to E," and a place for the score. I was wondering what suitability covers?

Mr. Whaley: If I may, Mr. Chairman, suitability has no reference whatsoever to the point system as such. In other words, there are no points allocated for a category called suitability.

Mrs. M. Renwick: No points, Mr. Whaley? Mr. Chairman, through you to Mr. Whaley, there are no points, but there are categories A to E. I think what I would really like to know is where do you fall if you are in a category A or B or C or D or E. Who falls in A?

Mr. Whaley: I would say about 95 per cent of the applicants.

Mrs. M. Renwick: What do you have to have to fall in A?

Mr. Whaley: It is a question of the judgment of the person who is processing the application, as to the rating of the applicant for accommodations. I might add —

Mrs. M. Renwick: That is quite a range — five categories of being worse than 95 per cent of the people —

Mr. Whaley: Well, I was going to ask you there —

Mrs. M. Renwick: — and less eligible.

Mr. Whaley: I think you mentioned A to E.

Mrs. M. Renwick: A to E yes.

Mr. Whaley: It is A and B.

Mrs. M. Renwick: All right. I could send this over to you, Mr. Whaley; it looks to me as though it is A to E, but it is just A and B is it?

Mr. Whaley: It is A and B.

Mrs. M. Renwick: So you either fall in with the 95 per cent of A or you have a B-type category which covers everybody else?

Mr. Whaley: It covers the balance of the applications.

Mrs. M. Renwick: And they can tell this over the telephone?

Mr. Whaley: No, we do not give that information —

Mrs. M. Renwick: This is from the interview that is placed? This is from the home visitor?

Mr. Whaley: That is made at the time of the visit to the home of the applicant.

Mrs. M. Renwick: Okay. If the member for Parkdale has a question?

Mr. J. B. Trotter (Parkdale): I have one question on the investigation report. I believe the investigation report is based on one that the Toronto housing had originally. Is it not very similar? It was drawn up about 15 years ago. I was wondering had they given any consideration to changing that report because some people think it is out of style; it does not meet modern times. I believe it is, basically, about 15 years old. You just adopted it from the Toronto housing authority. Would that not be correct?

Mr. Whaley: I am not sure if the housing authority of Toronto adopted ours or we adopted theirs. Since the days of the housing authority, back in 1947, when they were constituted, we have made a number of changes to it. One that does come readily to mind is that at the time the housing registry was introduced in Metropolitan Toronto, the investigation report and the application form were changed quite radically.

Mr. Trotter: Your point system and all that is pretty well the same, is it not?

Mr. Whaley: There have been some changes from time to time in the point rating system since it was first introduced.

Mr. Chairman: Do you have a question, Mr. Singer?

Mr. Singer: Yes I do, Mr. Chairman. I wanted to find out about the fixing of rents. It was my understanding that a year or so ago you fixed — or the rents were frozen.

Mr. Whaley: In May, 1968.

Mr. Singer: And they were to remain frozen until you and the federal people worked out a new formula. Your latest pronouncements, I understood, related that new formula to July 1. You were going to adopt most of them.

I have something that was given to me today by a tenant. You can have her name; it is not important. She is in Lawrence Heights and received a notice from you people, dated May 11, 1970, raising her rent from \$70 to \$85. I just do not understand how this works.

Apparently what has happened is that this lady is one of those single-parent family heads. She is on the family benefit allowance and her allowances went up about the time she got the new notice, and about the same time her rent jumped from \$70 to \$85.

First of all, if the rent freeze applies, I do not see how her rent can be increased.

Hon. Mr. Randall: Was she in there before May, 1968?

Mr. Singer: I do not know when she was in. Perhaps I will give you her name. Her name is Mrs. Beryl Bennie, I am not sure. You have typewritten it as Bonnie at the top of your notice, and she signs it Bonnes, and her address is 4 Replin Road, Apartment 103.

Hon. Mr. Randall: I can give you an answer on that.

Mrs. B. Meredith (Ontario Housing Corporation): Mr. Singer, through the Chair, are you addressing a family that is in receipt of family benefits?

Mr. Singer: Yes. Her total income is shown on this form as \$193 family benefit, \$8 baby bonus.

Mrs. Meredith: Well, if I may explain, Ontario Housing Corporation does not set rent at any time for families under the family benefits or general welfare assistance system. We charge only that shelter amount that the family benefits or the general welfare groups charge. If we were to lower her rent, the welfare or the family benefits would then in turn lower the amount that she receives. Therefore that particular rent was not set by Ontario Housing Corporation nor is it being collected, other than that amount already indicated by the family benefits branch to Ontario Housing Corporation that we should collect.

Mr. Singer: Can I follow that up? As I understand it, the announcement by the Minister of Social and Family Services (Mr. Yaremko) about the increase in the amount of family benefits was designed to place more dollars in the hands of those people who are in the greatest need. So one arm of the province comes along and says, "Mrs. Bonnes, we are going to increase your family benefits from—" something; I do not know what the previous figure was—"up to \$193. Out of that figure we calculate—" we, the family benefits branch, not housing—"we calculate that your shelter allowance would be so much."

Accordingly, OHC is the vehicle. In any event, OHC says, "Fine, your rent therefore now goes up another \$15 a month." It seems to me that one arm of government is apparently defeating the intentions as announced by Mr. Yaremko.

Mrs. M. Renwick: Not only that, but the minister said that the rents were not going to be changed in the Ontario Housing Corporation for the \$10 a month increase that was allowed to family benefits and general welfare assistance.

Hon. Mr. Randall: No, what I said is that we would not be increasing the rents for people in the welfare category. We had nothing to do with it. The rents were established by Social and Family Services.

Mrs. M. Renwick: In other words, the minister would be taking the benefit and that is what we were asking—

Mr. Singer: Could I finish this one, Margaret, thank you.

Hon. Mr. Randall: The minister is here himself. Perhaps Mr. Yaremko could add something to this. This is what I thought with the two of them here. Can we ask Fred Douglas, as mayor of the city here?

Mrs. Meredith: Mr. Chairman, before we decide on the reasons for this particular case, that is one of our rent review forms, I assume, because we receive notification from the family benefits branch and we then would make out one of those forms. However, there may have been a change in the family composition in that family which also changed the amount of money, so that I would be very happy on behalf of this particular tenant, to take it up with the family benefits and the parents, and inform them of this particular situation.

Mr. Singer: I am willing to wait until Monday, until you can look it up. This seems to be a notification that the rent is increased because it says at the bottom:

Please be advised that pursuant to the terms of your lease, your monthly rental rate is to be \$85.

Mrs. M. Renwick: Ten dollars?

Mr. Singer: Fifteen dollars. Listed on April 7, old rent \$70; listed on May 11, \$85. Now this lady, if the particulars in the form are correct, has the sole source of income as, family benefits \$193, and \$8 from baby

bonus. She apparently has one child named Donald who was born on June 21, 1950, who is getting \$8 in baby bonus. It may be that there is an explanation, as I say.

It is 10:30 now, so having given you those facts, let us pursue it the next time we meet because I think there is something here that bears—

Hon. Mr. Randall: I shall lie awake all weekend thinking about it.

Mrs. M. Renwick: I relinquished the floor to the member for Downsview, and certainly I am glad that he raised the point he did. I think there is a good question in here too for the minister to come back with an answer.

When the \$10 a month increase in shelter allowance went to general welfare assistance recipients and family benefit recipients, I issued a release saying that the greatest benefit of that rental increase went to Ontario Housing Corporation. I said, if it did in fact house in 25 per cent of its units these people in need, the corporation was picking up at least \$50,000 a month and upward of that with the Minister of Social and Family Services' \$10 a month grant increase.

You do not have to be particularly bright to see what a nice situation this is for the Minister of Trade and Development in his subsidy position. But I think it is important to ask you, Mr. Minister—and you are the one who could answer this best—when the rent freeze went on for tenants paying rent who earn incomes, was there a rent freeze applicable to those persons in receipt of benefits from the government under FBA and GWA? Or did the corporation, in fact, if a

family size changed during that time—and a family size change in some cases, if it is over two dependents, can mean \$5 a month increase in shelter allowance—while the other peoples' rents were frozen, were the peoples' rents under FBA and GWA in fact allowed to rise that \$5 increase or not? That is a very good question, Mr. Chairman.

Hon. Mr. Randall: I will tell you, we will get the information over the weekend; I will have it for you on Monday. I am a little confused myself as to how some of these things operate except that all I know is, if they can afford to pay us \$150 a month for rental accommodation, Mr. Yaremko's department will send us \$150. But that has nothing to do with the rest of the money that will go to that family.

Hon. M. Renwick: Mr. Chairman—

Hon. Mr. Randall: Just a minute now. All I am saying is that if they reduce the amount to us, there would be no more money in the hands of the welfare recipient. That is my understanding. I will be glad to look into it over the weekend and have an answer for you Monday.

Mrs. M. Renwick: Mr. Chairman, that is a typical paternalistic, Tory government attitude, that it will not be in other people's pockets.

Mr. Chairman: Order! We have passed the hour of 10:30, and we will adjourn until 3:15 p.m. on Monday afternoon. I thank you.

The committee adjourned at 10:30 o'clock, p.m.



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION
Third Session of the Twenty-Eighth Legislature

Monday, June 1, 1970
Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

Trade and Development Standing Committee

MONDAY, JUNE 1, 1970

The committee met at 3:15 o'clock, p.m., in committee room one, Mr. D. A. Evans in the chair.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT

(continued)

On votes 2209, 2210:

Mr. Chairman: The hon. member for Downsview.

Mr. V. M. Singer (Downsview): Mr. Chairman, the other evening I was asking the minister and his staff if they could explain to me the basis on which Mrs. Bonnes got her rent raised by \$15 and the officials were going to look into that and perhaps have an answer for me this afternoon.

Hon. S. J. Randall (Minister of Trade and Development): Yes, Mr. Speaker or Mr. Chairman, first of all let me say, when I assured the member for Scarborough Centre (Mrs. M. Renwick) in the House the other day that we did not get any part of the \$18 million given to welfare recipients, that statement is exactly as I stated it. Any amounts we got that were given to us were over and above that. Of course, we are unaware what we are going to get; Social and Family Services decides what they are going to pay for shelter for people. They decide it and send us the rent, but they do not send us enough to take care of the economic rent. We make it up with our subsidies on the 50, 42½, and 7½.

The Beryl Bonnes family, 4 Replin Road, Apt. 103, submitted the tenant copy of the report of change in family income to Mr. V. Singer, MPP, and the question was raised that, as Mrs. Bonnes had been paying an old rent of \$70, why as of April 7, 1970, had her rent been raised to \$85?

The information is as follows: Mrs. Bonnes and 3 children were originally housed at 51 Blossomfield, Apt. 106 and then transferred

to 30 Meadowlane, Apt. 402. She was transferred again to 4 Replin Road, Apt. 103, and has lived at that address since 1967. According to our file, shortly after Mrs. Bonnes moved to her present address, Joan and Sandra moved out, and son Donald has remained.

According to Mr. J. McKnight, director of the family services benefits branch, the file reads as follows: During 1967 and 1968 the rent was \$70 based on a shelter allowance for family benefit. On March 1, 1968, the shelter allowance was raised to \$85 to bring it in line with family benefit policies with regard to shelter allowances. It stayed at \$85 until August, 1968. On September 1, 1968, family benefits lowered the rent back to \$70 and it was set up in their books as an overpayment. Family benefits then arranged to collect \$5 a month from Mrs. Bonnes to collect the overpayment.

I might mention here that our understanding is that the \$85 is a shelter allowance for the first two persons in a family and a further additional \$5 for each extra member. Therefore, Mrs. Bonnes and son Donald, under The Family Benefits Act, are assessed at a rental rate for shelter of \$85.

On April 7, 1970, the Ontario Housing Corporation received their monthly list from The Department of Social and Family Services stating that as of April 1, 1970, Mrs. Bonnes was to pay a rental of \$85. Mr. McKnight confirmed the following —

Mr. Singer: As of April 1 or May 1?

Hon. Mr. Randall: April 7 — no, April 1, 1970. The old pre-added budget was \$97 for utilities, personal requirements, food, clothing and so on, and a shelter allowance of \$70, making a total payment of \$167. The new pre-added budget for extra food, clothing, and utilities, personal requirements and so on, is now \$108, with an additional shelter allowance of \$85, making a total payment to Mrs. Bonnes of \$193. However, because of an arrears in rent with the Ontario Housing Corporation and overpayment by The Department of Social and Family Services, Mrs.

Bonnes was advanced an extra \$15 for the month of May as an emergency fund.

For your information, Mrs. Bonnes paid no rent whatsoever to this corporation in January. In February she paid the \$70, in March she paid \$70 plus \$5 to be paid against her arrears. In April, she paid \$70, and the May payment has not yet been received; however, it may have been paid within the last four days. As of May 30, the arrears were \$154.37. However, a credit of security deposit to her account of \$25.63 leaves the arrears at \$67.37, if the rental for May has been paid in the interim.

I understand The Department of Social and Family Services will discuss Mrs. Bonnes' financial situation with her direct. This was a rather unusual case, it is not a normal case, and I think to understand it as I —

Mr. Singer: I do not understand that.

Hon. Mr. Randall: I am a little confused myself, but let me just say this. When it comes to welfare shelter benefits, we have no idea what we are going to get for a family that moves into one of the Ontario Housing Corporation's houses. We have nothing to do with the amount of money paid to a welfare beneficiary — I guess you would call it. So what happens is, it has always been felt that if the welfare recipient receives all the money and then decides that we have got to pay X number of dollars for rent, that gives him the dignity of paying his own bills.

I have suggested, and so has Mr. Suters, that perhaps to avoid the difficulties we find in some of these cases, the money should be transferred from Social and Family Services direct to the housing corporation, and then the money that the person gets in his clammy little hand would be his and he would not be accusing the housing corporation of raising his rent, because we have nothing to do with raising the rent. We have nothing whatsoever to do with any increases they have to pay.

As far as I am concerned, if they moved in for \$10 a month and that is all that the welfare would pay, that is all we would get. The rest would have to be taken up by the three levels of government on that 50, 42½ and 7½. In this case here, we got the \$15. It did not lower the amount of money going to Mrs. Bonnes and her family one iota. In fact, you see she went from \$97 to \$108.

So that is the story that I get from Social and Family Services. I think it is an unusual case; it is certainly not a general situation

with welfare recipients. There has been some confusion, I think, on bookkeeping insofar as Mrs. Bonnes is concerned, and we suggested to Family Services that they should straighten it out, which they are going to do.

Mr. Singer: Mr. Chairman, it still does not make too much sense to me. I tried to tie in what this form says—the one that I gave you the other evening—with what Mr. Yaremko said on April 8 and with a notice that I have here sent out by Mr. Whaley at the time of the rent freeze. Generally, he explains the rent freeze, and one paragraph in that I think is applicable here. He says that:

The rental rates for tenants in receipt of allowances under general welfare assistance and family benefits will not be affected, as the rates are determined by regulation and this same principle will continue to apply.

That, substantially, I gather, is what you have been saying to me.

Hon. Mr. Randall: That is right.

Mr. Singer: Right. Now, whose regulations are they? Can we start at that point?

Hon. Mr. Randall: I would assume that they are regulations of family and service benefits under The Welfare Act.

Mr. Singer: All right. This whole thing is very confusing. I am referring now to what Mr. Yaremko said to the Legislature on April 8, and it is reported at page 1257 of *Hansard*. He is announcing the increased family benefit allowances and under number 3, he says:

Increased shelter provision: The shelter provision and an allowance is based on the actual cost to the recipient up to a stipulated maximum which varies with the size of the family. The maximum has been increased by \$10 monthly. Since shelter costs have risen more in urban areas than in rural, we expect the impact of this provision will probably be greater in the cities where a house is owned and occupied by a recipient who is receiving the maximum shelter allowance possible. The director may approve an amount to assist the recipient with repairs.

If Mr. Yaremko is correct, and if her raise —and maybe we cannot count the raise in here, again I am confused—if her raise was \$10 for shelter, why should the rent go up \$15?

Hon. Mr. Randall: I pointed out here that the lady was in arrears and when Social and Family Services looked at that arrears situation, I think in order to help her out in her rent arrears they gave her the \$15 instead of the \$10 that they said they normally put through under family benefits, which would not go to them in any case, and tried to get

her out of her difficulties. That is the point I think we have been trying to make, and I think this is what the family benefit service is trying to do for her.

Mr. Singer: How did she get into arrears—by reason of her not paying or by reason of bad bookkeeping?

Hon. Mr. Randall: I do not know, that is what I am trying to figure out myself. As far as I can see here, she got it both ways apparently. She was in there and so was—maybe she just did not understand the arrangement, and it looks like—

Mr. Singer: It is very easy to understand why she could not understand it.

Hon. Mr. Randall: I know, I appreciate her difficulty, but I am suggesting that between Social and Family Services and her rent programme, she got in arrears. What they are trying to do is adjust her arrears, that is why she got the \$15 a month. It was given to the Ontario Housing Corporation to perhaps take up some of her arrears along with the other things I mentioned here, where she got the security deposit back of \$25.63 and so forth and so on, so that I think what they were trying to do was help the woman. If you get the complete story, I think you will find what they are trying to do is help the woman out of a difficult situation; they are not trying to hurt her.

Mr. Singer: The minister may be right, but certainly there is no indication in any of the pieces of paper I have seen that they were trying to help her. I could not understand, and I am quite sure she has not been able to understand. Put that in context with what the minister said—the other minister, of Social and Family Services (Mr. Yaremko)—“We are increasing the allowances up to \$10 a month,” so that one would think the maximum raise in rent would only be \$10, but here you are raising it \$15.

Hon. Mr. Randall: Yes, but I think there are special circumstances here the hon. member would be wise to look at before getting into it any deeper. I think the Minister of Social and Family Services was right when he said none of the \$18 million went to the Ontario Housing Corporation and we confirmed that today. Anything we get was over and above the \$18 million that he allotted to these people on welfare, and again I point out that we have no way of knowing what we are going to get for a family in the way of shelter when they move into one of our homes under public housing.

We get a certain amount of money allotted to them for food, clothing and services, a certain amount is set for rent, for shelter, and then the money is given to them. I think in many instances, while it may be good on their part to be able to handle the money themselves and be able to pay their own rent, in the long run instead of the misconceptions I have heard time and time again on the housing corporation—that they get a raise and the housing corporation takes it away from them—I think we would be far better off if the social and family benefits shelter amount was sent directly to the housing corporation for Mrs. X. Then the money she has is hers, and she need never worry about her rent because she has a place to live and we get the economic rent from family benefits, fine; if we do not, we will have to make it up through the subsidies.

Mr. Singer: All right. There are two things that emerge out of that that still puzzle me. The minister made some reference to special circumstances. It may be that there is something in front of him that he does not want to discuss publicly?

Hon. Mr. Randall: No, there is not, but my people advise me that this is the information, family services are going up to check this particular case. I just suggest to the hon. member that when we get further details, I will be glad to give him a written report on this Mrs. Bonnes because I am like the member, I am interested in finding out what happened to Mrs. Bonnes in the meantime.

Mr. Singer: All right. Let me continue with what the minister said in his announcement. He said: “An estimated 60,000 cases will benefit from the increase in the family benefits programme.” I do not know if Mrs. Bonnes was one of the estimated 60,000 or not.

Hon. Mr. Randall: She went from \$97 to \$108, so I think she benefited.

Mr. Singer: From \$97 to \$108; that is \$11 increase in benefits but \$15 increase in rent.

Hon. Mr. Randall: She got more money for food and she got it in line with the point system they gave to every other recipient. As I said, the \$15 should be treated on an entirely different basis. It did not affect the amount of money she got for food and clothing.

Mr. Singer: It would have, because we have lost a month there. These things Mr. Yaremko was talking about did not take effect until May 1. You just told us that her \$15 rent increase took place April 1.

Hon. Mr. Randall: She got it at the same time as everybody else. Her family benefits came at the same time as everybody else's, as far as I am concerned.

Mr. Singer: May 1.

Hon. Mr. Randall: Yes.

Mr. Singer: But you raised the rent on April 1. Why?

Hon. Mr. Randall: I do not think we said that, did we?

Mr. Singer: That is what your memo said.

Hon. Mr. Randall: On April 7, 1970, the Ontario Housing Corporation received its monthly list from The Department of Social and Family Services stating that as of April 1, 1970, Mrs. Bonnes would pay a rental of \$85.

Mr. Singer: Yes. As of April 1?

Hon. Mr. Randall: Yes. This is where they say they miscalculated her rent in the first place. This is where I pointed out there is—

Mr. Singer: If they miscalculated, why should she be penalized?

Hon. Mr. Randall: Well, I do not know—

Mr. Singer: Because someone in this situation is living up to the last dollar she has available. Now you are trying to collect back arrears because of a miscalculation.

Hon. Mr. Randall: Yes, but there were two reasons. There was not only miscalculation, but also she had missed some rent payments on her own prior to that date. So I think the hon. member should get a full explanation. I will see that he gets it, but I do not have all the details as to what happened to the bookkeeping on Mrs. Bonnes' account.

Mr. Singer: All right, could the minister try to get me a full report while these estimates are still on, because I am concerned about it. I do not understand it yet.

The other question that follows sort of automatically from this is, what is the purpose of the Minister of Social and Family Services standing up and saying, "What a good boy am I, I am going to give away more money," when in fact all he does is take it out of one

pocket and put it into the other, into your pocket?

Hon. Mr. Randall: No, now wait a minute, that is not quite true. You are just confusing the issue again. The \$18 million that the minister stood up and talked about went directly to the welfare recipients for food, clothing and what-have-you. Any extra money that was paid to the Ontario Housing Corporation, including Mrs. Bonnes' \$15, was given to her over and above, as I understand it, the money she got for food and services. So they increased her rental allowance to the housing corporation. There is no change in the rate for the shelter.

Mr. Singer: That does not seem to follow from anything Mr. Yaremko said. Are you sure that his \$18 million figure does not include the \$10 increase in shelter allowance as part of it?

Hon. Mr. Randall: They confirmed that to us today. You would have to check it with them. I would be glad to check it with them before the estimates are through and see if we can get clarification.

Mr. Singer: All right, I would like some clarification on that. But there is one other aspect of that that still bothers me. Let us leave Lawrence Heights alone for the moment because it is a joint federal-provincial-municipal partnership. Where you have an Ontario Housing solely owned development and you get this increase, 50 per cent of the increase comes from the federal government, so what in fact happens is that where Mr. Yaremko has given out an extra \$10, \$5 is federal money, but all of the \$10 goes back into the other provincial pocket, is that reasonable?

Hon. Mr. Randall: Are you referring to the people who are not welfare?

Mr. Singer: No. Where someone is living in an Ontario Housing development, solely owned, leaving Lawrence Heights alone, one of the other—

Hon. Mr. Randall: What other ones we have that are solely owned—

Mr. Singer: The ones you have been buying, lots of them.

Hon. Mr. Randall: You mean all the projects?

Mr. Singer: Yes. Consider some welfare person, someone on family benefits. Yaremko

gives them an extra \$10 for shelter allowance. You take it. But Yaremko's \$10 is not really Yaremko's \$10; \$5 of it is Ottawa's and \$5 of it is Ontario's. So what occurs to me is you have figured out a good scheme to further make viable your Ontario Housing developments at the expense of Ottawa and you are saying, "Look at what good fellows we are."

Hon. Mr. Randall: No, I do not think so, because if there is a rent subsidy involved, Ottawa pays 50 per cent of the rent subsidy or it pays 50 per cent of the welfare subsidy, one way or the other. It does not pay both unless the recipient is getting both.

Mr. Singer: That is not what I mean. Where the landlord, Ontario Housing solely, gets an extra \$10 that Mr. Yaremko has just given, that \$10 comes half from federal and half from provincial funds. Right?

Hon. Mr. Randall: Yes

Mr. Singer: Okay. Where it goes solely back to Ontario, then you are gaining at the federal government's expense. The whole purpose of this thing, where you give them more money with one hand and take it away with the other, is to get more money out of Ottawa to pay for your solely owned—

Hon. Mr. Randall: It is a little confusing to me. If Ottawa is paying 40 per cent of the subsidy now, and it is reduced by \$10 as it comes from Social and Family Services, I cannot see where—

Mr. Singer: It is increased.

Hon. Mr. Randall: Well, it is increased.

Mr. Singer: Yes.

Hon. Mr. Randall: It means that that increase that is still paid 50 per cent by Ottawa is reducing the \$10 subsidy they are getting on the housing now, so it does not make a hell of a lot of difference.

Mr. Singer: No, but supposing you are getting pretty close to the breakeven point.

Hon. Mr. Randall: If they are a beneficiary, they get 50 per cent paid for by Ottawa, either as subsidized housing or a welfare benefit.

Mr. Singer: Yes, when you are giving it back to a partnership property, Lawrence Heights, then the division seems to be more equitable. But when you are giving it back

to an Ontario Housing project, you are taking half Ottawa dollars back to subsidize your Ontario Housing.

Mr. P. R. Goyette (Ontario Housing Corporation): I suppose that on the federal-provincial Lawrence Heights, then, they would be getting back, would they not, 75 per cent of it, to an extent, so that what they are going in for, is going back to them, in effect.

Mr. Singer: Yes, but on the bulk of the new structures that you have got, which are solely Ontario Housing, in fact you are getting an extra \$5 a month subsidy per tenant from Ottawa, which you really have not acknowledged at all.

Mr. Goyette: Yes. I might add one more thing: By reason of their suggestion, we have signed an agreement with them that says:

The amount of rent that shall go into the project shall be the greater of either the rent computed by geared-to-income scale or that component which is paid by the province.

In some provinces, particularly in the Maritimes, the welfare payment is lower than the geared-to-income, and so they have had this. In our agreement with CMHC, they require that we put into the account that which is normally paid on the private or non-OHC market.

Mr. Singer: I suppose the message that comes out of this whole thing, quite apart from Mrs. Bonnes—and we will follow that up at a later time—is that if you, as one arm of this government in Ontario—are going to make great announcements and say, "Look what great benefits we are giving, and we are going to help these people who are unfortunate enough to have to be on family benefits allowance," why do you not tell the whole story instead of saying that we are going to give them more shelter allowance, which they are never going to see?

I think this is a sad, sad illusion you are perpetrating; you are making yourself sound better to some segments of the society, but not the people who are—

Mr. J. N. Allan (Haldimand-Norfolk): This is entirely out of order, Mr. Chairman.

Interjections by hon. members.

Mr. Singer: Quite apart from the nattering over there, Mr. Chairman, I would think that if you are going to tell the frank story

of this thing, that you have got to make yourself abundantly clear.

Mr. Allan: What the Minister of Social and Family Services says has nothing to do with this committee. It has—

Mr. Singer: Well, it has to do with government, and the handling of housing is part and parcel of the same thing. The former Treasurer is somewhat embarrassed by being caught up with this—

Mr. Allan: I am not embarrassed at all, but I am sick and tired of listening to all this claptrap.

Mr. Singer: Well, it is too bad that you are sick and tired, that is just too bad.

Mr. Chairman: A little order. Let us come back to the estimates. I think the hon. member for Downsview is getting a little off the point. I think that we should get back to the estimates, which deal strictly with housing. I think you are a little of the point.

Mr. Singer: I have made my point, Mr. Chairman. We will follow it up and I can get—

Mr. W. Hodgson (North York): Well, let us go on to something else.

Hon. Mr. Randall: Let me just suggest that the agreements with the federal authorities suggest we carry out our programme on this basis. I would like to see, as I said earlier, that the amount of money required for shelter given to us by Social and Family Services come directly from one department to another. Perhaps that will lower the dignity of people who want to pay their own bills but, on the other hand, I think that a great deal of criticism directed at the housing corporation is unwarranted, and perhaps this is one way we can overcome it.

In the case of Mrs. Bonnes, if the \$15 had come directly to us, her account could have been corrected, she would have thought she had a letter from Santa Claus and that would have been the end of it. Instead of that, we find ourselves involved in a discussion because of the difficulties Mrs. Bonnes had. As I say, too often the housing corporation is placed in a position of having to defend itself on something we have no control over, because it involves contracts between another department of the government and the federal authorities.

Mr. Singer: If the left hand knew what the right hand was doing, maybe we would not get into this stuff.

Hon. Mr. Randall: You know the old story about hindsight and foresight.

Mr. Chairman: The hon. member for York South.

Mr. D. C. MacDonald (York South): Mr. Chairman, the minister and I have had a number of private discussions following his general statement in the House with regard to the reconstitution of the committee to investigate the situation in the Porter Avenue complex. I thought I understood that situation clearly; I am now wondering whether I do.

I think we should remind ourselves of the so-called charges that were drawn to the attention of the minister by the tenants' association, back in the early weeks of this year. The original committee got going in the latter part of February and the early part of March; it blew up in the third week of March, when two members of the committee came to the conclusion—I think they were correct—that their position had the appearance, if not the reality, of a conflict of interest because they were directors of Ontario Housing Corporation.

So they asked you to reconstitute it, and you gave the matter some 10 weeks of consideration before you came to a conclusion and agreed on a citizens' committee rather than a judicial committee. I was under the impression that what you wanted done was presumably the same kind of approach as before, but dealing specifically with the tenants in terms of their problems.

I am now told by some of the tenants in the building that they have visited OHC and that people in OHC, namely, Mr. Riggs and Mr. Cattermole, have indicated that there cannot be and will not be public meetings; secondly, that there will be no representations permitted from tenants' associations. I want to find out whether that is the situation.

Hon. Mr. Randall: No, I think the situation you and I discussed was that, as the charges were levelled at us as a landlord, and we were trying to get to the bottom of some of these charges—you remember what they were as well as I do—by a former president who is still making strong attempts periodically to get into the tenants' association, you and Mr. Riggs and one of the members from the human rights committee would call on each tenant in that building, sit down and have a personal chat with

them and find out what their views were with regard to the problems they were experiencing, with regard to the building and with regard to the tenants' association as it existed.

When you had made your calls on these people, your recommendations would come to the housing corporation board of directors and myself, as minister, to decide how best we could set up a tenants' association in that particular building that would work in the interest of all the tenants, not just a few, and perhaps this would be a guideline for tenants' associations in the rest of Ontario.

My understanding was, when you and I spoke the other day, that as soon as these committee hearings are over, my people would be available to go with you, and with whoever is appointed from the human rights commission, to visit this project and figure out what can be done and how best it can be done to solve the problems of that particular project.

Mr. MacDonald: Let me sort it out. I affirm that we agreed that there were certain elements in the original "charges" that there was no point in pursuing now, but what we wanted to do was to get down and talk to the tenants. Do I interpret correctly your reply to say that there will be no public meetings, and no tenants' association within the establishment will have the right to make representation?

Hon. Mr. Randall: I would not say so, in the long run. But I think first of all what we are trying to do is, say, if you have a public meeting and you have the same people show up who were running the tenants' association previously, you know what will happen at the public meeting. There just will not be a public meeting.

I mean, let us just face facts alike here. We had some difficulty there with two or three people who had criminal charges, or assault charges, against them. If they come in and take over our meeting, the people in the meeting are afraid to speak up—which, I am sure, has been the case in the past.

That is the reason why we suggested that you have a personal meeting with the people in the building to find out if they are intimidated, if they are having problems.

Mr. MacDonald: Look, Mr. Minister, let us not beat around the bush. You are saying that there will not be public meetings?

Hon. Mr. Randall: I am saying that the first thing we should do is have a personal

meeting with the tenants, and then, if your recommendations come out that there should be public meetings, then we should have public meetings.

I think, first of all, this is a special case. I think that you agree that perhaps we should sit down as a landlord with the tenants and find out were they intimidated—not only by our superintendent, whom Mr. Carson made a lot of charges against, but maybe Mr. Carson was intimidating, too, to some extent.

So what you three were going to do was to find out whether there was any intimidation in the whole project, what the people really think about a tenants' association, and what are their major problems. When you come forward with your report, then I think that is the time to have public meetings.

We are not against public meetings. In fact, we think they are necessary, but this is a case where we were charged with letting an old lady die of starvation because we would not give her a ticket downtown. She had nothing to eat. We had drug addicts running in and out of the place. Hell, there were more charges than Carter's got liver pills, as you recognize.

All we want to do is to get at the truth. We tried it through the committee we formerly had set up, but this did not work when you had public meetings. Some of the people there were scared to speak up, in our estimation. They were scared to speak up.

Mr. MacDonald: Well, I am sorry, I was at those meetings and it was not a case of people being scared, it was a case of the rules and the feeling on the part of two members of the committee that they were in a position which really had the appearance, as well as the reality, of a conflict of interest. So let us not drag in the red herring: "People were afraid to speak."

Hon. Mr. Randall: There is no red herring, but as you know, we have had many calls from the building; from people who today have placed assault charges against some of the people who were attending that meeting. I say that the charges may be unfair. Maybe the people who are facing these charges could be innocent of these charges. I do not know.

All I am saying is that you three people decided that you would take a three-man committee and go and find out what was wrong with that building, particularly. Perhaps this will set a tenor for all buildings.

There are some of these problems — perhaps you can appreciate it — in many of the buildings. I should say, not in many of them but in every project of any size you get some people who are anti-social. It may be the quiet guy on the 15th floor and it may be the guy who wants to be the president of the tenants' association.

All I am saying is that if you do as we intend to do — if you, as a member for that area, carry out your investigation of these three people and your recommendations come out that this is what we should do, we are quite prepared to abide by them. We are quite prepared to have public meetings.

Mr. MacDonald: You see, Mr. Minister, I think this is important enough to pursue for a bit. We got ourselves into a peck of trouble in the earlier instance because not only did there appear to be a conflict of interest in having a committee dominated — or at least with a healthy representation — by the group that presumably was being investigated, namely the OHC, but also because there was no tenants' association representative on the committee. This criticism was not just from tenants, as those who were at the meeting will recall.

In the meeting over at the Macdonald Block, social workers from various agencies from the city of Toronto got up and asked the chairman why it was that tenants — since one of the major terms of reference of this committee was to look into the appropriate kind of tenants' association and how it should operate — were not represented on it, so that you did not have a balanced sort of inquiry.

If you think that we are going to avoid news stories and articles in the Toronto papers, whose interest has been aroused, as well as that of the tenants' associations, by holding closed meetings you are wrong. I never dreamed that you were considering closed meetings. If there is somebody who does not want to have an open meeting, fine. If he thinks he is going to be intimidated that is another matter. You simply cannot get away with the proposition that it now is going to become a closed inquiry. You are kidding yourself. Anybody who becomes involved in a closed inquiry is asking for another debacle because everybody who is interested in this field is not alerted to this and they have been waiting with bated breath. They must have strangled for want of air — for the last 10 weeks while you made up your mind what sort of a committee you would have.

All I want to suggest to you is this kind of proposition, now that I understand it fully, is simply not going to operate. Let me go one step further —

Hon. Mr. Randall: May I ask if it is not going to operate. I spoke to you about this two or three weeks ago and you said, "Well, I think we should get at it as soon as we can." I said, "Yes, as soon as the meeting is over and Mr. Edge is free, you would get at it."

You have had a change of heart since then.

Mr. MacDonald: No! No! I have not had a change of heart. I assumed that we were going to hold an open inquiry and that it was not going to be a closed meeting to which no one was going to be permitted to come.

Look, the minister is a pretty astute and sophisticated individual. Does he suppose for one moment that this committee, and everybody involved, is not going to get clobbered into the ground if you now go into completely closed meetings in this sort of an investigation?

Hon. Mr. Randall: We did not ask for a meeting. We asked for an interview with each tenant.

Mr. MacDonald: Look. This is a reconstituted committee that is going to follow through on the inquiry. You can call it what you will, but in terms of all the people in the press who are aware of it and who were following it, and all of the tenants' associations who are aware of it because one of its major terms of reference was to clarify the whole role of a tenants' association — you simply are not going to get away with it. They are going to say, "What sort of a deal are you pulling?"

Let me go one step further if I may. You said that the former president of the tenants' association who is not now the head of the tenants' association — I will be the first to say that the situation is going from bad to worse in terms of relationships within that building. Now you have a tenants' association with roughly 20 members. You have a so-called York community association with Mike Carson as the president with over 100 members. The OHC people are saying that they are going to deal with the tenants' association, they are not going to have anything to do with the York community association.

Here we are into the great vagaries of what a tenants' association is. If you were an employer and you tried to say, "I am going to

deal with this body within my ranks, but not with that body," you would be in some good healthy trouble very quickly with The Labour Relations Act.

Hon. Mr. Randall: Let me ask you a question, Mr. MacDonald. You are a pretty intelligent fellow. How did Mike Carson get 100 people in his committee against the tenants' association in his own building? On what basis did he go out and get 100 memberships.

Mr. MacDonald: Look, Mr. Minister, let me make this statement very emphatically. I have not been involved, and let me assure you I am not going to get involved in either of the tenants' associations in that building. That is their right and they are going to have to sort it out. All I know at the moment is that Carson has 100 signed-up members and the tenants' association has 20.

The point that I want to get to is something else. From what little experience I had on that committee, I was increasingly puzzled as to the role and function of tenant relations officers, because we, as members of the committee—and I do not know to what extent these documents are privileged documents and I am not going to violate any excessive detail in them—were given a full account of the reports that were made by the tenant relations officer in that particular building.

Let me, in my view, describe them. They were at best superficial and gossipy. There were reports, for example, that Mike Carson and people with him had been involved in the municipal election. Let me put it bluntly: "It is none of the tenant relations officer's damn business whether Mike Carson was involved in the municipal election." He happened to be involved in support of the man who is now mayor of the borough of York. Why the tenants' officer was preoccupied in reporting back to her superiors that Mike Carson and some other people were involved in the exercise of their rights as citizens just has me absolutely buffaloeed.

Hon. Mr. Randall: Listen. Let us not kid ourselves about Mike Carson. As far as I am concerned, Mike Carson now has three assault charges pending against him. Clatterbrook, his right hand man who came to that meeting that you and I attended has got one or two charges pending. He tried to beat up a couple of old guards. If these guys have taken over that project in your riding, I think there must be some way to find out how they got—I do not think that they got 100 members.

Mr. MacDonald: I cannot vouch for it.

Hon. Mr. Randall: I cannot either, but I am just suggesting that the only way you are ever going to find out, Mr. MacDonald, is to walk up to those 227 tenants and say, "Mrs. Johnson, anything you say between these four walls will not go to the president. I will not go to Mike Carson or anybody else. Tell us what is on your mind. How can we help you? How can we make this a better place to live?"

Mr. MacDonald: Okay, you are trying to get me back into your—

Hon. Mr. Randall: No, I am just asking a question. You say we should have tenant participation. Who do we have? Mike Carson on the board again to investigate these people.

Mr. MacDonald: I would say, under the circumstances, no. But I would say that somebody who is active in tenants' associations, of which there are many, across the city of Toronto, would be a highly appropriate person. You are really posing the question: "What do you—or OHC—do as the landlord when you have got two organizations who have some conflict?" You may lament this. We may deplore it and ask how imperfect can the human animal get. But, by God, this happened rather frequently.

You can have two unions competing against management. All the more reason why we have got to work out what is the legal status of a tenants' association. How are we going to work out the legal status of the tenants' associations? Why should you presume that you are going to do the best job in working out the legal status of a tenants' association. You have asked for the recommendations but you do not have a tenant representative on that committee.

Hon. Mr. Randall: I think you are putting the cart before the horse. We said we wanted a tenants' association after the specific charges and the actions that have gone on in that building by the former president have been investigated.

You did not want it when we had a committee. We talked about it at a judicial inquiry and you said, "Well, I think you are making a mistake there." I agreed with you. We said, "We will go to the three men" and you said you would go ahead with us and investigate. You would talk to about 227 tenants in that building and out of that would come recommendations for, we hoped, better tenant relations all the way through the

province of Ontario. I still think, Mr. MacDonald, that we are not trying to avoid the issue. I would like to see a good strong tenant relationship but I say to you, the intimidation in that building alone does not leave me much confidence in what has happened to date.

I think a lot of those people up there—many of them are elderly people, and we have already seen that charges are pending against two persons. Where there is smoke, there is fire. You cannot just say that I have 100 people who voluntarily walked up and signed their names on the list agreeing to be under the former president. I do not believe it is that simple.

Mr. MacDonald: You see, Mr. Minister, if you were really disturbed about resolving this thing, we would not be dealing with it on June 1 or June 2 when it originally came up in January.

Hon. Mr. Randall: I appreciate that, but as you know, the Attorney General (Mr. Wishart) had to look at it and make his decision as to whether we should. I have to take my advice from the legal officer of the Crown. I am not disagreeing with you this afternoon and perhaps you are right and we are wrong but what I would like to say to you is: When this meeting is over here, when the committee hearings are finished, we will sit down again with you and see if we can find a workable solution.

Mr. MacDonald: I have got a suggestion for you.

Hon. Mr. Randall: But I frankly feel that I want to make sure that the 227 people there have not been nor will they be in the future, intimidated.

Mr. MacDonald: Yes, okay.

Hon. Mr. Randall: And I have sufficient evidence in my files through the phone calls I have received. I think it is only fair to Mr. Carson and his lieutenants that we check this situation out.

Mr. MacDonald: You can be assured that they are not going to be intimidated. I mean, it is not beyond our powers to assure that. Heavens, if you are that fearful, get a police officer to be around and see that they are not intimidated. I mean, I think you are being absurd and you are forcing me into absurdities in reaction to it.

Hon. Mr. Randall: No.

Mr. MacDonald: All I am saying is, we have got a situation which is getting worse because the tenant relations officer in that building worked as an active agent against the tenants' association, counselling people and soliciting people until now you have achieved what happens to many managements. You have a split. You have got two tenants' associations and your problems are compounded.

I want to say to you now, Mr. Minister, that I do not think I am going to sit on this committee. I am not going to sit on it because (a) I suggest to you that you cannot operate a committee *in camera* that has had the glare of publicity and interest from people who write articles; from people who write editorials; from all the tenants' associations in this city. If you think you are going to go off in the corner now and hold a secret inquiry, you are just not going to get away with it.

Hon. Mr. Randall: I do not like the secret inquiry accusation. We are not going to do that. I would hope when we get through with the inquiry that it be made public. Let me suggest to you—can we pick a member of a tenants' association of Toronto to replace you? Would you be happy with that?

Mr. MacDonald: That, in fact, was what I was going to say.

Hon. Mr. Randall: We pick a neutral?

Mr. MacDonald: Right. Because, quite frankly, nobody has any illusions as to where my interest lies—pardon?

Mr. O. F. Villeneuve (Glengarry): Is the oven getting too hot?

Mr. MacDonald: The minister is making it so hot. The problem is that he does not realize it is even hotter for him than it is for me. I am just trying to warn him, alert him, to the kind of situation he is getting himself into.

Hon. Mr. Randall: You know the old saying, "If you don't like the heat, get out of the kitchen." I do not mind the heat sometimes if I can straighten out a situation.

Mr. MacDonald: If you get somebody who represents the tenants' point of view to assess what has happened in the Porter Avenue complex and, secondly, to give you advice on tenants' associations, I think you will have the kind of committee that is going to command confidence in the public mind.

I add that I hope that committee is not going to operate in secret, because, I may be wrong, but I am willing to bet my bottom dollar—and I have not solicited this and I have not advised this—you will have a blast of articles from at least two if not three of the Toronto dailies within 24 hours with regard to that kind of operation.

Hon. Mr. Randall: Let me just say this. In an endeavour to be fair to some of the people involved, sometimes the press is given the wrong impression because we do not stand up and defend ourselves. On the other hand, I think if you look the facts in the face, there is some reason for concern on the part of the Ontario Housing Corporation about the leadership qualities they were receiving from the former president of the tenants' association.

Mr. MacDonald: I have never yet gone into a plant in which I do not find, I would say, five managements out of 10, saying: "The problem with this union is that they have got leadership that we cannot trust."

Hon. Mr. Randall: No, sir.

Mr. MacDonald: It is not yours to judge.

Hon. Mr. Randall: Well, listen—

Mr. MacDonald: What you have got to do is to work out a legal framework for tenants' associations and if the rank and file in that area choose leaders that you think are wrong, that is their bad luck. They are going to learn the hard way. But you cannot be "big daddy" and exercise paternalism.

Hon. Mr. Randall: Yes, if it is a democratic election, I do not disagree with you. But if it is not a democratic election and there was lots of reason to believe it was not—people had their arms twisted, an old guy got beaten all to hell, as you know.

Mr. MacDonald: No!

Hon. Mr. Randall: I know, you brush those things off —

Mr. MacDonald: That is not true —

Hon. Mr. Randall: You brush these things off —

Mr. MacDonald: Let us not throw in these inflammatory comments. I am not throwing in a lot of inflammatory comments with regard to the alleged actions of people in OHC.

Hon. Mr. Randall: They are not inflammatory. I know you can. They are not inflammatory. I am simply saying that if we want to get to the truth of the matter, I think the way we propose is a good way. I am prepared to compromise and do as you suggest here — put a neutral tenants' representative on. When they make the recommendations, I can assure you they will be made public if you think so. You are the member in the riding; I will turn them over to you. You take a look at it; if you think that we should make these public, it is okay with me. I am just suggesting that the 227 people in there deserve from you the kind of attention that you would like to give them, if their situation was reversed.

Mr. MacDonald: Make no mistake about it, Mr. Minister, it is going to get my undivided attention.

Hon. Mr. Randall: All right.

Mr. MacDonald: The only reason I do not want to be on this committee any more is that I have become part of your establishment so I cannot say what I want to say.

Hon. Mr. Randall: It is a pretty good establishment.

Mr. MacDonald: It is pretty good tactics on your part. That brings me, Mr. Chairman, to the next point. When this committee was first considered last January/February, I talked with Mr. Suters on the phone, and he agreed and you agreed, in a conversation I had with you, that there would be no delay in proceeding with maintenance and the kind of changes that need to be made around Porter Avenue.

They are still waiting for changes which I think are obvious, vital requirements in a community with 700 children. They are still waiting and I do not propose to be involved in a committee that may go on for God knows how many more months. I am going to raise my voice on what has not happened in that housing unit. In fact, let me proceed because that is the more important thing for the moment. May I ask —

Hon. Mr. Randall: Can I ask Mr. Riggs to make a comment on those maintenance charges — whoever has got the comments there?

Mr. R. W. Riggs: (Ontario Housing Corporation): I think, in terms of maintenance *per se*, there was a series of complaints concerning the level of maintenance. In the last

month, in terms of repairs, items of maintenance from day to day, this has been kept level. There are four areas remaining in that building where there are problems to be resolved and I will quote them. One: there is a need of ventilation in laundry room. A tender has been awarded on that to a local contractor; repairs are under way.

Mr. MacDonald: We will get back to that one.

Mr. Riggs: We had to do a lot of work and engineering on that to ensure that we were undertaking the proper ventilation system.

The second one is playground equipment which is now being placed on the site as of this day, I believe. The third item which I believe had come up is recreational furniture, and renovation to the various recreation rooms.

I should mention that Central Mortgage and Housing Corporation only a few months ago gave its approval to proceed in this area. The tenders for the renovation to the various rooms were issued today and the furniture has been put through to purchasing as of last Tuesday. I think these were the major areas, to the best of my knowledge, that were under discussion with the tenants' association and the corporation.

Mr. MacDonald: Mr. Chairman, Mr. Riggs is correct that my emphasis should have been on basic facilities rather than maintenance. I think there has been some improvement in maintenance. However, I have not checked, in my preoccupation with other things, as to whether there is any serious number of recent complaints.

But I want to go into a few details on this project — not on this project *per se*, so much as to try to find out how OHC operates — because quite frankly, I am very puzzled, if this project is an illustration of OHC's acquisition of the property. For example, what was the cost of this building?

Hon. Mr. Randall: How much did it cost?

Mr. MacDonald: Yes.

Hon. Mr. Randall: It cost \$4,028,000.

Mr. MacDonald: Four million and twenty-eight thousand dollars.

Now, I have here a letter that was sent on April 28, 1966, by the executive secretary of the metropolitan school board to W. L. G. James, the business administrator of the borough of York board of education, in which they are referring to the approval that is being

granted for the rezoning to be able to put up this apartment. In the reference to it, the letter refers to the requirement of additional classrooms at Rockcliffe Senior Public School, and approximately six additional classrooms at Cordella Public School to accommodate — and I want you to note these figures — 240 elementary school pupils and 40 secondary school pupils. That is a total of 280.

On May 2, 1966, a letter from the business administrator to the chief planner at the York township planning board — in effect, passed on this information that there had been clearance for 240 elementary school pupils and 40 secondary school pupils.

A year goes by. On July 27, 1967, there is a letter from W. J. McCordic, director and secretary-treasurer of the Metropolitan Toronto school board to A. G. Gillespie, the director of education in the borough of York, in which they now reduce the estimates for the number of children who would be there — kindergarten to grade 6, 162 pupils, and grades 7 and 8, 42 pupils, a total of 204. No reference at all to secondary. So it is 204 instead of 280, a year later.

In 1967, we have a letter to Mr. Wronski, the commissioner of planning, from W. J. McCordic, in which he confirms these figures. These are the figures on which the planning was done and presumably OHC knew about it—240, 280, 204, in that range. There are now 700 kids in that building.

I have here a letter from a Mr.—

Hon. Mr. Randall: In the 227 suites, you say there are 700 kids?

Mr. MacDonald: Yes, 700 children in that building now.

I have here on June 21, 1967, a letter from Mr. Courtman, clerk of the borough of York, to Mr. Wronski, and the concluding paragraph said:

Would you also be good enough to let me have a certificate certifying that the proposed density under the bylaw is within the density for this area which is specified in the current schedule of maximum density adopted by the metropolitan planning board.

And we have from Mr. Wronski a reply saying:

As requested, we wish to advise that the density sought by the above bylaw is within the density for the area in question specified in the current schedule of maximum density adopted by the Metropolitan Toronto planning board.

You start out anticipating 240 kids and you end up with over 700. I just do not understand how this kind of planning goes on.

However, let me proceed. I have here the bylaw which was passed by the borough of York. In it, it specifies how many parking lots there are going to be, not only for this building but for the senior citizens—for a total of 278. Here is a document, a memorandum to the provisions of bylaw 128, to permit the use of lands on Hillsdale Road and Humber Boulevard in the borough of York, and this refers to 328 parking spaces. I am curious as to why you have such discrepancies in the planning and end up with—I do not know what number of parking spaces you have at the present time.

Finally, by way of strange goings-on in the early stage in the planning, here is a copy of, a draft of, the plan for the area that was presented to the borough of York. It is taken, as a matter of fact, from the files. This is schedule B to subsection 174 of section 3 of bylaw No. 15955 in the borough of York. In this plan of the whole complex, with which the minister may or may not be familiar, there are three arrows indicating where there are going to be playgrounds. One of them is at the east end of the big apartment building; one of them is over on that little postage stamp of asphalt, where there has been so much argument with the tenants over where they were going to put up some recreation facilities, and one is over in the area within the circle of townhouses.

The fact of the matter is that the area at the east end of the apartment building is a hillside. It is at about a 45-degree angle. Mr. Riggs says they are now getting around to the postage-stamp area, a full year after people have gone into that building. I think it was completely occupied last September. Only at this stage are they setting out equipment in a postage-stamp area of about 20 by 20 feet to meet the needs of 700 children. In third recreational area over in the circle of the townhouses, nothing has ever appeared

What I want to know is why does OHC get into purchasing a building of this nature? I want to get onto other factors in a moment, because I understand your warranty ran out on April 1. After all the splurge of activity in looking at the building, I am curious as to what sort of remedial action was taken by the contractor, or what compensation you got. How would you plan to have 240 kids and end up with a total of 700? How do you plan when the plans have three recreational areas, and even those three are hopelessly

inadequate for 700 kids? Only at this stage, one year afterward, are you getting the recreational facilities in one of the three. What is the explanation for that, before I go any further?

Mr. Goyette: Just a general comment, Mr. Chairman, I think the member asked several questions earlier. This is a project which the OHC purchased from the developer. The responsibility for the zoning and the acceptability are matters for the developer and the borough. We would look to the developer to get all the necessary approvals. If some of these figures that you enumerated are not acceptable to the borough, then the borough presumably does not let the project go ahead. In terms of the schoolchildren, I think the figures you are quoting are substantially correct; there is a high content in there. It is offset, however, on a neighbourhood basis by the fact that next door is a senior citizens' building which does not have any children.

Mr. MacDonald: No, no, these figures were for both. These original estimates of 240 were for both complexes.

Mr. Goyette: I see. Now, what does the Ontario Housing Corporation do about this? The Ontario Housing Corporation cannot make the judgements as to whether the school facilities are adequate or not adequate. Therefore, we take our proposals that appear to be reasonable ones to us, to the Metro housing advisory committee. On that committee of Metro is a school board representative. He, along with others, such as Mr. Wronski whom you have quoted, write reports, make a judgement, and then recommend whether, indeed, we should proceed with this project or not.

As they go through this process, we presume, therefore, that those who have that talent make that kind of judgement, that if they agree, then we go ahead and that surely this has been favoured by the municipality.

Mr. MacDonald: Let me make one point. Am I not correct that this was a building that was put up after coming to you when the project was in embryo from—in other words, the developer said, "We are contemplating building a building and will you purchase it?"

Mr. Goyette: Yes, I think the planning of that building had been started and—

Mr. MacDonald: In other words—

Mr. Goyette:—and they came to us about what this project needed.

Mr. MacDonald: In other words, before the thing was built you knew it was going to be your project and your property and, therefore, Mr. Minister, I suggest that you cannot say that you in effect were stuck with this hopelessly inadequate recreational facility and things of this nature, when you bought the property?

Mr. Goyette: I would repeat again, however, that notwithstanding the fact it had started, we would still take the proposal as a proposal to the Metro housing committee because, as you know, Metro participates in the financing of the subsidy to the tune of 7.5 per cent. As a condition of our approval and our arrangement with Central Mortgage, we have gone to Metro—

Mr. MacDonald: But on whom does one fix the responsibility for all of this exchange of letters between the local planners, the local board of education, the Metro board of education, in anticipation that there were going to be 240 kids in the area, and suddenly you end up with 700 kids?

Mr. Goyette: We would look at that relationship by virtue of the way our purchasing was done between the developer and the municipality.

Mr. MacDonald: The municipality was led up the garden path because the developer and you working with the developer, you knew you were going to buy the property. He was building it for you, that was known from the outset. The municipality was led up the garden path thinking it was going to have 240 kids. It ended up with 700. I am not complaining about 700 kids coming into the area—except that if you are planning, surely you would plan for 700 kids. You do not plan for 240 and end up with 700.

Mr. Goyette: You are talking about a project that started in the early days of the great attempt to put things together. I suggest to you that the methods of trying to get the building and our relationship with the school board is probably a little more sophisticated.

You might be interested to know that the other day a proposal was turned down in one of the boroughs because someone made a judgement that there would be 14, I repeat, 14 children too many in the OHC project as opposed to what might have happened within the school facilities of the area. So we are really down that fine. I think this is probably getting under way now.

Mr. MacDonald: I am glad to hear that, but I still find it incomprehensible that at that stage anybody who was involved in it was an accomplice to this kind of planning and this kind of misrepresentation to the local municipality.

Hon. Mr. Randall: Let me say it is not misrepresentation on our part. We recognized that the building was going to be built; it was offered to us; on the basis of the facts we had before us we bought the building.

I think the federal authorities recognized also that money is now available for community service and playgrounds. If you ask, what are we going to be doing in the future, I can assure you that if we know there are going to be 700 kids there will be more playground facilities than there are today.

On the other hand, you cannot assure me that if the builder had gone ahead on his own he would not have had 700 kids there with no playground facilities.

Mr. MacDonald: Look, Mr. Minister, your case, I hope, is going to be the pattern for the future, but my point is this.

Hon. Mr. Randall: I know, you have got a problem today.

Mr. MacDonald: Even if there was only going to be 240 kids, to have one little piece of playground 20 by 30 feet is ludicrous.

Hon. Mr. Randall: What about the school facilities? Are there any school facilities around there at all?

Mr. MacDonald: Sure there are school facilities. In fact—and now we are getting off into another area, and before Jim Allan says that this is another estimate I am not going to say very much—the irony of this situation is that within literally 100 yards you have got the York stadium, a whole new stadium that is so big and so up to modern standards that the Argonauts come up to practise there, but 700 kids cannot get any accommodation. This is the whole problem of integrating community schools with community facilities.

Hon. Mr. Randall: Are the children not allowed to play on that York stadium?

Mr. MacDonald: No.

Hon. Mr. Randall: Is it privately owned?

Mr. MacDonald: No, it is owned by the public, by the borough of York. In fact, last winter, with 700 kids pouring out there and

with nothing but this sloping, so-called, recreational area at the end of the building, which is a 45-degree hill, there was a snow fence at the end of the stadium and anybody who went up onto the stadium presumably was on forbidden territory.

This, I concede to you, is a local problem. I have here a letter from C. G. Dobbin, commissioner of parks and recreation—again back in 1966—to Mr. Harminc, the chief planner of the township of York. He said:

I have considered the application for development of the Porter Avenue senior citizens' and OHC scheme, and it is my opinion—

And this is surely the understatement of the year 1966:

—there is not quite sufficient play area to support this particular development. It may appear on the map that the area has sufficient parkland.

This is three little parks, one of which is 20 by 30; one of which is a hillside, and the third one of which is the centre of the townhouses and has never emerged at all as a play area.

It must be remembered that the Porter Avenue stadium has not been constructed for use as a local play area as it is planned to have its use controlled. Also, some of the property in this area may appear to be parkland, but is considered for use as parking area for the Porter Avenue stadium.

In short, there was no co-ordination; the developer is not interested in co-ordination. He was interested in building a product and pawning it off on OHC—getting rid of it for a fast buck.

Hon. Mr. Randall: No, I disagree with you.

Mr. MacDonald: Well, okay. Now let us—

Hon. Mr. Randall: We were very anxious to get it.

Mr. MacDonald: You were anxious to get what?

Hon. Mr. Randall: The accommodation for the people in the townhouses.

Mr. MacDonald: Oh, I know you were anxious to get the accommodation, but the developer was not anxious to do anything but put up the brick and mortar, pawn it off on you, and walk out.

Now I know you had a warranty, and I want to ask questions on that briefly, if I

may. I understand the one-year warranty ran out on April 1.

In view of the fact, for example, that the verandas were beginning to disintegrate and separate from the walls; that the elevator service was very poor—though I understand that CMHC regulations have been met—I find that was staggering that you can have 240-some units and only have two units of elevators in the building so that they burned out and you constantly were lucky if you had one elevator.

Mr. Riggs raised the question of a laundry room. How would OHC buy a building that had a laundry room on the ground floor that had absolutely no ventilation? It was a closed-in room and you put in a battery of washing machines and dryers—I suppose there must have been at least 15, 20, 25 of them. What made it even more ironic was that there was another little room beside it which was the waiting room. I am told today the temperature in that room is about 92.

Hon. Mr. Randall: It is as bad as Queen's Park.

Mr. MacDonald: Right. And there is not a single chair in the waiting room. You know, if you were to try to operate a laundromat over on Yonge Street or somewhere on this basis you would not get to first base, and yet this is what they have done.

Mr. Riggs confirms changes now underway after you took this building. But why would it be built in this way unless you were planning to put the laundry somewhere else? Now you are punching holes through the cement wall to put in some sort of ventilation. Mr. Riggs reports, one year after all of the hue and cry that has gone on, they are finally putting in some ventilation, but why do you get stuck with a new building with a laundry room and no ventilation in it?

I do not blame the minister for being silent. There is no answer to that question.

Hon. Mr. Randall: There is no answer to a lot of things that architects do and—

Mr. H. Peacock (Windsor West): Did you ever sell a washing machine and dryer without proper ventilation?

Hon. Mr. Randall: It is done right outside; we never pump it into the room. There is a difference between a good setup and a poor one, you see.

Mr. Goyette will comment on the guarantee that you talked about. I think he has something to say on that.

Mr. Goyette: Yes, time is up, but—

Mr. MacDonald: I hope—but, but, but.

Mr. Goyette: —but those items which were the deficiencies are still under warranty.

Mr. MacDonald: You mean the verandas and the windows—

Mr. Goyette: The verandas, yes—

Mr. MacDonald: —which they had to put plastic over to keep the winds from blowing in and water pouring in?

Mr. Goyette: Right. Now if you will recall, if the warranty ended—you gave me the date?

Mr. MacDonald: April 1.

Mr. Goyette: April 1, and it seemed to me it was about April 1 when the discussion about that project made the newspapers and we were just—

Mr. MacDonald: The committee blew up on March 17.

Mr. Goyette: Yes, but it started a little before then. At that point, if we had rushed right in and fixed them up it would, frankly, gentlemen, look as if somehow we were just getting in there to whitewash the thing. So to make absolutely sure, for all those concerned, we actually hired an outside firm of architectural consultants to come in and take a look at the thing. We asked, "What do you fellows think is wrong?" so that our staff does not go in and say, "That is all right and that needs to be changed"—

Mr. MacDonald: What is their report?

Mr. Goyette: We have the report.

Mr. MacDonald: For example, on the verandas and windows—

Mr. Goyette: The verandas, particularly, I remember thinking, had to be fixed. That will be done by the developer and by the contractor and we are still remedying that.

At the same time there is more, as you know. The landscaping as we got in there was not adequate; that is going to be done. You have mentioned the ventilation system in a laundry room has to be improved.

Mr. MacDonald: Do you have a performance bond on this?

Mr. Goyette: Yes, but — I am sorry, I should not use the word "but" — yes, we do. The performance bond, however, as you have

suggested earlier, requires that it be in accordance with the standards of the national building code which is commonly known as The National Housing Act Standards.

Mr. MacDonald: You see, I am not a builder so forgive me for being awfully sceptical, because all members of the committee went out there and we went up to apartments in which the wind was blowing. You could stand in the middle of the room and feel the wind blowing in and this is a building that was less than a year old.

I do not know what you are going to do by way of rebuilding the window frame so that you can have a window that fits correctly. But what I am puzzled at is why in heaven's name was the building accepted in the first place? Why were the inspectors permitted — why did the inspectors on the job permit that kind of construction? You will have a slum building, let us face it; you will have a potential slum building, before very many years; it is inevitable.

On the 12th and 14th floors you have verandas that were out an inch from the wall so the people were scared to go out. You could shake the veranda railing. This is a building that is less than one year old. It is a bloody scandal — to put it in plain proletarian English. I just do not understand why OHC got caught in that. Sure, you were trying to get accommodation but it is just indefensible; completely indefensible.

Hon. Mr. Randall: The building has been accepted subject to deficiencies, and let me tell you this — there was never a building put up anywhere that does not have some deficiencies. I live in one today. I have been there since 1964, and when the wind blows from the north you can put your long underwear on because you get the breezes through the window; the curtains stand straight out from the wall. That is supposed to be one of the better apartments in Toronto and I venture to say you have got the same thing in Mrs. Renwick's bailiwick in Thornhill.

None of these buildings is going to be perfect. But let me just suggest to you, too, that the pressures we have been under in housing to house people mean that I would buy Uncle Tom's cabin tomorrow if I thought I could house a family. I would take credit for it today and I would get hell for it tomorrow. Let me just say this — we are not buying any pigs in a poke, when we get a building, if there are things wrong with it, we are going to make sure that the maintenance is looked after and the building is corrected. We have

not accepted that building completely as yet without these deficiencies being fixed.

We can solve that problem tomorrow. We could move everybody out on the street, and I am not trying to be facetious. I am simply suggesting that it seems to me that when people get into Ontario Housing, the minute that they get in, if there are some things wrong, we get the complaints. We try to fix them up as quickly as we can.

I can remember Alexandra Park. We had lots of difficulties there and it won the National Design Council award for housing, but you would never think so once the tenants got in.

Mr. MacDonald: You are misrepresenting this.

Hon. Mr. Randall: No, I am not.

Mr. MacDonald: I am not talking about some building in which there may be minor deficiencies. That is another matter.

Hon. Mr. Randall: Minor or major.

Mr. MacDonald: I am talking about a building which is obviously deficient in a very major sense. You cannot deny it. Everybody has seen it and all I am saying is you were not buying a pig in a poke, you conceived this pig. You were part of the people, right from the very outset, who were in at the conception of this project, so it is not as if you got stuck with something after the event, so to speak.

Hon. Mr. Randall: Let me just suggest that if it is built to National Housing Act standards, and Central Mortgage and Housing and the OHC inspectors went around and found the building was intact and they bought it, and these things developed over the next year — which they could have done — then we have got to go back and repair these things. This is true in any new building. Maybe this one is worse than some of the new ones you will get today.

Mr. MacDonald: I am darn certain it is.

Hon. Mr. Randall: We are not denying we have lots of problems in that particular project, and we have taken steps to correct it, and I am sure we will correct it. I just want to assure you that we do not go out willy-nilly blindfolded and buy from any builder or get a proposal from a builder and shove it up because we want to get people housed, regardless of the pressures we are under to house people.

Mr. MacDonald: I do not want to take any more of the committee's time, Mr. Chairman. Let me say this by way of a footnote.

One of the reasons why you got into an almost impossible, irrational situation among tenants is because the people, whom you now think are irrational, were for five and six months heads of tenants' association and were making legitimate requests for basic facilities and for repairs and things of that nature, some of which had not yet been met one year later.

You created the situation among that tenants' association. I am not saying that it did not go from bad to worse, but the kind of buildings you took, the kind of facilities you put into them — whatever be the reasons for your failure to get in and provide the basic facilities and make some changes — you have created the situation, or at least you are in part the creator of the situation.

Hon. Mr. Randall: That is your opinion. We do not buy it, necessarily.

Mr. MacDonald: I have only one final point, then I will hand it to Mrs. Renwick or anybody else who wants it. It is that if you are going to put — as I think it is wise to put — somebody who can be a spokesman for the tenants' association, will you request the Metropolitan Toronto Tenants' Association or some tenants' body to nominate half a dozen people, if you want to have certain control; I am not objecting to that. Make nominations so that you clear the air in terms of this being a rigged kind of investigation, because unfortunately that was the public image that emerged from the first one. If you want to achieve what you set out to achieve as your objectives, you are going to achieve it only if you restore some degree of public confidence. And to do that, I think it is necessary to say to the MTA or some responsible body, "Give us a half dozen names of people who might go on this committee," and you pick the one you want and let them go to work.

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, can I ask one question on the remarks of the member for York South? How would the minister explain — the minister has said that this is an older building, a building bought a year ago and this sort of thing, or at least —

Hon. Mr. Randall: It is not an old building; they did not move in until 1969.

Mrs. M. Renwick: How does the minister justify — well, that is old in comparison to

what I am going to speak about — the brand-new building at Finch and Birchmount, where the architect or the builder is supposed to have built the toilets too close to the wash-basins and those units are sitting there empty while this is being changed to the correct dimensions to meet the standards in that area?

I do not understand how the corporation does not have people on the job watching what is being done to catch this sort of thing. So I would ask the minister, how did this happen, how many units did it affect and what state are they in now?

Hon. Mr. Randall: Well, the very thing that you are asking us to explain is what your hon. friend on your left is asking us not to do: buy a building with known defects in it. When we bought that building apparently this situation, according to my colleagues here, came to our attention; we said, "Okay, correct it before we move anybody in."

Mrs. M. Renwick: You bought this building at Finch and Birchmount. You did not agree to have anybody build it for you.

Hon. Mr. Randall: I understand the building was under way and we bought it. Right. We are correcting defects before we move anybody in, and you brought this up in the House that there are many places that are vacant. We told you there were some changes going on inside, and until they are corrected, we would not move the people in. This is one of the things that we are trying to correct; otherwise, if we had moved them in, we would have had everybody complaining about the problem you just brought up to us.

Mr. MacDonald: If you put the wash-basins over the toilet bowl you will have more space.

Hon. Mr. Randall: If you hang it from sky hooks you will have a playroom.

Mr. MacDonald: I am sorry, it just does not add up. If you have got plans for a building and you buy it, do you not take a look at the plans and discover that the wash-basins are virtually on top of the toilet bowl?

Hon. Mr. Randall: I would think that if it was built to The National Housing Act standards, there must have been many architects and designers who looked at that building. I cannot justify every mistake that an architect or inspector will make. All I can say is that if we find the mistake before people move in, before we take possession of the building under the guarantee, we will correct it. This is what we are doing. Nobody has built the

perfect building yet. Michelangelo, you know, did not paint the perfect picture.

Mr. MacDonald: We are not talking about perfect buildings. We are far from perfection in this discussion.

Hon. Mr. Randall: Well, I know if we were not housing these people, we would be getting hell for not housing them.

Mr. Chairman: The member for Windsor West.

Mr. Peacock: Mr. Chairman, to continue with this for a moment: How many architects does the housing corporation employ?

Hon. Mr. Randall: We have a total of five.

Mr. Peacock: Five altogether, and you have something over 20,000 units under development at the moment?

Hon. Mr. Randall: At various stages, yes.

Mr. Peacock: Do these five architects, on your staff, examine every proposal you receive and the one which you finally accept?

Hon. Mr. Randall: I would say they do, yes.

Mr. Peacock: And all these matters go before them, for their examination?

Hon. Mr. Randall: They are also examined by Central Mortgage and Housing as their money is going into them.

Mr. Peacock: And your architects follow those standards set by CMHC.

Hon. Mr. Randall: In the main. We say that ours is somewhat higher than has been established by Central Mortgage and Housing.

Mr. Peacock: Are they higher in terms of space? I recall Mr. Goyette—I wanted to come back to this a few days ago—speaking of the CMHC standards for family units, the first bedroom being 120 square feet, the second 100 square feet, the third 90 square feet.

Mr. Goyette: I think the third should be 70 square feet.

Mr. Peacock: And these too are laid down by CMHC?

Mr. Goyette: By the national building code.

Mr. Peacock: The National Building Code which CMHC follows in approving your project applications? Do you ever, particularly in

the high density developments, propose higher standards than the space requirements under the National Building Code?

Mr. Goyette: Yes we do. The architects are always being scolded by the property management people that the bedroom is not a fit. There are considerations other than area that apply as well; the location of the window, can one get two beds in where maybe two beds are needed, so we do look at that kind of thing, yes.

Mr. Peacock: Mr. Chairman, I would like to go back to the subject that the hon. member for Downsview raised at the opening of our meeting.

Some objections were raised by members opposite that the matter of rents paid by families on social assistance was not within the scope of this vote, of the Ontario Housing Corporation. I would like to disagree with that position and point out to you why it is very much within the scope of the vote.

Firstly, the minister, or Mr. Goyette, referred to the federal-provincial agreements for the management of the projects built by OHC under which, I believe, OHC has the obligation to return to CMHC as fully as possible all of the moneys which it is committed to return under the amortization schedules.

That means that the rents of all tenants have to be of such a blend that they come as close as possible, and therefore require as little subsidy as possible in order to meet the commitments OHC has made in those federal-provincial agreements. And is it not the case that in the operating manual for local housing authorities—and presumably this same provision applies to OHC administered units—that the mix of tenants has to be such that their incomes will support rents as close as possible to the full costs of the project and that therefore the subsidization be as small as possible?

Mr. Goyette: The answer would be no. Maybe Mr. Whaley could add a comment.

Mr. E. J. Whaley (Ontario Housing Corporation): Mr. Chairman, I think this is basically the same question that was brought up the other night by another member. In referring to the housing authority manual, you are referring to a manual which is geared specifically to the operation of housing developed under the federal-provincial partnership arrangement.

Mr. Peacock: For full recovery?

Mr. Whaley: Both for full recovery and for geared-to-income housing. And, in the days when there was only that kind of arrangement, there was a management agreement between the federal government, the province of Ontario and the local housing authority known as the Number 3 agreement. This agreement specified that in the operation of the particular project, every endeavour should be made to ensure that the subsidy should not exceed a certain figure per unit, or such other sum as may be determined from time to time by the federal-provincial partnership.

It is true to say that in those days there was an endeavour to achieve a blend of income groupings so that the particular subsidy was the target. These days, we call them guidelines. They used to be called targets. But since the federal-provincial arrangements are no longer applicable, a target subsidy has not been set. An estimate goes to the Central Mortgage at the time a project is conceived on what the subsidy will likely be in the light of the surveys of need and demand we have carried out. This gives an indication of the income ranges which we can reasonably anticipate for the tenants when the project is completed.

Mr. Peacock: Is it not correct to say, though, that OHC is still under some constraint to select a blend of tenants that will result in as low a subsidization as possible?

Mr. Whaley: There are no constraints whatsoever in the selection of tenants based on income consideration. The sole criterion is the degree of housing need, regardless of the level of income of any one particular family.

Mr. Peacock: Right. May I ask, Mr. Chairman, why OHC continues the practice that the hon. member for Downsview referred to, of taking the full shelter allowance which is available to a tenant on family benefits, or disability assistance, or general welfare assistance, even where they may not initially on their admission to Ontario Housing be in receipt of that full shelter allowance?

Mr. Whaley: That is the substance of the operating agreement between ourselves and Central Mortgage and Housing Corporation in respect of the rental rates to be determined for families in receipt of public assistance allowances. That it shall be the greater of the amount of rent in accordance with the rent scale related to the income or the shelter portion of the allowance payable under the welfare act regulations, either The General

Welfare Assistance Act or The Family Benefits Act.

Mr. MacDonald: The greater of?

Mr. Whaley: The greater of, right.

Mr. Peacock: That is what Mr. Goyette quoted to us earlier. So this, in effect, results in many tenants on public assistance paying a higher rent than those who are employed, or receiving some other kind of income, other than employment earnings or family benefits?

Mr. Whaley: Yes, it can do, but this is not a figure which is established by Ontario Housing Corporation. When a person who is in receipt of assistance first makes up tenancy, the amount of rent which he is charged is quoted to us by either The Department of Social and Family Services, or the local municipal welfare administrator.

Mr. Peacock: Quoted to you only because, on application, the tenants' circumstances are investigated by the housing authority to determine what level of income he has, the source of that income and the rest of it.

Hon. Mr. Randall: I think if you are on welfare, the municipal authorities already have that information.

Mr. Peacock: That is a matter of course. Right. But it is in no respect any different from the same kind of background information you get on a person who is employed in industry. You want to know how much his income is and where he receives it from. Why does the agreement between CMHC and OHC call for this? Apparently that is where the requirement lies—in the agreement between the two housing authorities, the federal and the provincial. It is not in any agreement between OHC and The Department of Social and Family Services.

Mr. Goyette: One would assume that families in that category on the private market were getting it from the province in the public housing sector, they should share 50 per cent of the return of the rental. I think this is their rationale—

Mr. Peacock: That is CMHC rationale.

Mr. Goyette: —as I would understand it, without being presumptuous.

Mr. Goyette: It is, then, a case of your saying that CMHC has pressed for this requirement in your agreement with it for the rents to be paid. This is one means of

maximizing the rents in a project, so I think the statement I made earlier still remains true—that you, by this maximization, ensure as small an amount of subsidization as possible, in respect to those tenants on public assistance.

The reason I raise it, Mr. Chairman, is that it does create, as has been admitted, a number of anomalous situations. You have the situation in which an Ontario Housing tenant who has been, say, actively employed, is laid off, files a claim for unemployment insurance, and has the rent adjusted according to the level of unemployment insurance benefit.

I will give you an example without mentioning the name of the tenant. This person received a benefit from unemployment insurance, following lay-off, of approximately \$170 per month. There was one child in the family. The rent at that time—

Mr. Singer: A single-parent family?

Mr. Peacock: A single-parent family. The rent at that time, of the same tenant that I am speaking of, reflected the level of income from unemployment insurance under the rent-geared-to-income scale, which was about \$36 or \$38 a month. When the unemployment insurance benefit ran out, and the person was still unable to find employment and applied for general welfare assistance and then mother's allowance under family benefits, the allowance from the province of Ontario remained approximately the same as the level of benefit from unemployment insurance.

There were a few dollars more a month coming in from the provincial benefits. The rent went from the \$36 or \$38 a month to \$91 a month, all because of that shift of income from unemployment insurance where the rent-geared-to-income scale applied, to the full assessment of rent based on the shelter allowance that this person was afforded—\$85 a month—because it was a case of a single-parent family with one child and a \$6 add-on for services, to bring the rent with the transition from unemployment insurance to family benefits to \$91 a month from a level of \$36 or \$38 under unemployment insurance. Now, this you can see, Mr. Minister, in the minds of a person such as that, is a grave injustice, because—

Hon. Mr. Randall: Can I stop you here? I have a question. You say under family benefits they got the same amount of money that they were getting under unemployment insurance?

Mr. Peacock: For one adult and one child. It just happened, in this instance, to be roughly the same. In a much larger family, I realize of course, it would be a considerably higher amount under family benefits than under unemployment insurance, where the benefit is not related to family size.

Hon. Mr. Randall: Let me just follow this. You say \$170 a month is what they got under unemployment insurance and \$170 is what they got under family benefits. On one, the rent went down to \$38 a month, because they were unemployed and their income dropped. On the other one, their rent went up to \$91 a month because they were on family benefits. It did not affect the \$170 a month?

Mr. Peacock: No, \$170 a month is still coming in.

Hon. Mr. Randall: The woman has still got the \$170 a month? So what was paid to the housing corporation had no bearing on her income.

Mr. Peacock: Oh, yes, it did indeed, because—

Hon. Mr. Randall: In what way?

Mr. Peacock: Because during her receipt of unemployment insurance, her rent was levied under the rent - geared - to - income formula.

Hon. Mr. Randall: Yes.

Mr. Peacock: This being at the bottom of the income scale meant a rent of around the minimum amount of \$36 or \$38 a month.

Hon. Mr. Randall: So she had \$170 less \$38.

Mr. Peacock: Right. But because the unemployment benefit ran out, and this person then had to apply to GWA, and then was placed on mother's allowance, the shelter component of the new benefit from the province of Ontario was \$85 a month and the rent levied by the housing authority became \$85 a month and a \$6 add-on for some additional services that were provided in the unit—in the fully serviced unit. That is one particular situation. I think if your officials—

Hon. Mr. Randall: Before you go away from that, what I am trying to figure out is what is the point you are making. The woman, who was getting \$170 unemployment insurance, now got \$170. She is paying \$38

of that for rent, so that, in effect, she was getting \$170 less \$38. Then, when she went on welfare she got \$170 and she had no rental component whatsoever. The rent was paid for regardless of—

Mr. Peacock: No, no, no. The rent, once she went on mother's allowance rose from \$38 or \$36 a month to \$91 a month.

Interjections by hon. members.

Mr. Peacock: And it comes directly out of the benefit, you see. Do not be carried away by your earlier suggestion that recipients of the family benefits programme have their rent paid directly to your corporation by The Department of Social and Family Services. They do not, at the moment, except in cases where the shelter allowance is assigned by the tenant in agreement with The Department of Social and Family Services, because of difficulties in handling money and difficulties in budgeting. For most tenants, they continue to pay their rent themselves out of their benefit received from the province of Ontario, the mothers' allowance, the GWA or disability, or what have you. In this instance, the new level of rent of \$91 a month was coming out of approximately the same amount of money as she was getting earlier on unemployment insurance.

Hon. Mr. Randall: In other words, you are saying that out of that \$170 you took \$90 off for rent.

Mr. Peacock: Right. So that all that was left was approximately some \$80 for food and personal care. I think if you will check the schedules of The Family Benefits Act for a single-parent family with one child you will find that that amount is approximately correct. That has been raised somewhat since May 1.

Mr. Singer: About the same for one family.

Hon. Mr. Randall: Would Mr. Riggs like to make a comment on this before we get away from it?

Mr. Riggs: The two examples that have been mentioned, unemployment insurance and public assistance, are substantially different. The person who is on unemployment insurance has a gross income. All the benefits under unemployment insurance are considered as gross income and we establish his rent on the rent-geared-to-income scale. That is reasonably straightforward. When he goes on public assistance it completely changes, and the changes in that amount—

Mrs. M. Renwick: Why should it?

Mr. Riggs: I cannot speak to that, it is not within our jurisdiction. It completely changes in that the moneys advanced to the recipient are composed of at least two items. One is established as a shelter allowance or rent. This is established by the agency, it is an arbitrary formula, calculated in terms of the fiscal policy of the respective governments and are advised of this amount and we collect it on a monthly basis. That, in essence, can be viewed as one separate cheque which says "rent" on it.

The second component covers food and clothing and incidentals, and this too is a separate entity and does not relate to gross income. So you are getting two cheques, both established by the agency and both sent to the recipient, one to cover his rent and the second one to be utilized to buy his food, clothing and incidentals. These are the terms of our agreements; we are merely farming them out in terms of those agreements.

Mr. Peacock: I appreciate, Mr. Chairman, that the structuring of the benefit and the amounts of each component of the benefit, whether it is a disability allowance, or mothers' allowance, or GWA, or what have you, has nothing to do with the Ontario Housing Corporation. But what I am saying is that the agreement between CMHC and the Ontario Housing Corporation seems to have a great deal to do with how much rent a recipient of social and family services is going to pay; because there is no other requirement other than that found in the agreement between CMHC and OHC for a tenant who is also a recipient of family benefits or disability benefits to pay the full shelter allowance, the full shelter component of the provincial benefit.

That is the only place that requirement is found, apparently, and I do not see why the Ontario Housing Corporation cannot come up with a means of treating persons on family benefits or disability benefits in exactly the same way as they treat others receiving incomes from earnings or from unemployment insurance or from some other source so that on the face of it, at least, equity is assured to those who have to rely for their income on the programmes of the province or the federal government. Because for many of them it is a grave injustice—even though, in some instances additional to the one I have just cited, and I think they would be the majority of instances—the person is not any less well off for having received a notice for

a raise in rent from a housing authority to bring them up to a full shelter allowance paid to them by The Department of Social and Family Services.

But, on the face of it, for them, they are being treated in an inequitable manner, and in a manner that is very different from anyone else actively employed or receiving their income from some other source. You do have a good number of tenant families on public assistance who are paying much more rent than those actively at work and I think that has to be worked out.

Hon. Mr. Randall: I think you have to keep in mind too, and this is not any answer to the problem, but a man who is working and has earned himself \$170 a month unemployment insurance has made a contribution in taxes and to society because he has been able to work and pay his way. All of a sudden he runs into bad luck and he is laid off and he has to go on welfare. It seems to me you cannot have it both ways at the moment.

I think there are some inequities there. I agree with you it should be looked at, but I think you must remember that if you have families on welfare—continuous welfare which we have in this province, and there are a great many of them—they are making no contribution to the economic benefit of this society except that they are on a welfare benefit day in and day out. I think this also should be looked at.

It is not an easy solution, but as far as we are concerned in the housing corporation, if the federal authorities, along with Social and Family Services, decide what they are going to pay us in rent, we are not going to argue about it. But there is no fixed figure in our minds as to what economic benefit we want to get out of a project in order to take care of our commitments to Central Mortgage and Housing, because if people cannot pay their rent we make up the difference in subsidy and we pay it.

Mr. Peacock: Right. Now, let me say to the minister that many of his tenants are persons who are disabled or for some reason unable to participate in the job market. Do not let him think for a moment that some of them are not making a great contribution; they may not be making it economically by working, but some of the families I have seen through their contacts with me, who are trying to get into public housing, are doing a monumental job of raising a family. It is incredible how they can raise a family in such

awful housing circumstances as I have seen them living in, and have children who are intelligent and happy and bright; in that regard, they are certainly making a contribution that no one should play down or put in second place to the kind of contribution of someone —

Hon. Mr. Randall: I am not downgrading them. I simply say that there are some —

Mr. Peacock: Right, but do not overlook that kind of contribution.

Hon. Mr. Randall: — inequities between the fellow who is making a contribution through the sweat of his brow. There are a number of people, as you recognize, who continue to be on welfare year in and year out; these are the hard-core families who, I think, society is going to look at one of these days and say, "Can these people work or can they not work?"

Mr. Peacock: Mr. Chairman, when you have some of the families that I know, whose former principal wage earners suffer a very severe limitation on their vision, loss of hearing, or are crippled severely in some manner, there simply is no way they will ever be able to make a contribution economically by going out to work for a living — and they are the majority. There may be a hard core of families who are chronically on welfare, but they are not the ones I am speaking to the minister about.

I am speaking of those who have suffered a disability which legitimately renders them unable to go out and work and make that kind of contribution. Given the right environment in Ontario Housing, they will continue to make the same kind of contribution I just spoke of in terms of raising a family in a healthful and enjoyable way, and they have got to see that the housing corporation is treating them fairly and equitably in the same manner as it is treating anyone who is able to go out and work for a living and pay his rent under the present geared-to-income scale.

I just want to make the plea to the minister that he adjust his programme in that manner so that we end this apparent double standard for those families.

Mr. Chairman, I want to turn to one other matter, if there are no comments or questions on that subject.

Mrs. M. Renwick: I would like a question if I might, Mr. Chairman.

Mr. Chairman: Does the question refer to the same point?

Mrs. M. Renwick: Exactly. Does the minister know, when CMHC made this agreement with the Ontario government to pay all that is allowed under the Act for shelter rather than rent-geared-to-income, was it at the request of the Ontario government that CMHC agreed that this will be included in the—

Hon. Mr. Randall: No, I think they set up their rules and regulations themselves and we inherit their regulations. They make most of the regulations with reference to the way in which the housing will be paid for, and we abide by those regulations. In the recent one on rent-geared-to-income, naturally we make recommendations and if Central Mortgage and Housing are in line, which they are in most cases, they will agree with some of these recommendations they had made themselves. They were the first people to set up a housing project and we inherited that housing project from them, and there have been a lot of changes and amendments ever since.

Mr. Peacock: Mr. Chairman, could I ask the minister, who provides the corporation with service, and who receives payment for, the work on land titles in respect to a project which OHC is developing under the builder-proposal method, or under outright purchase of an existing building?

Mr. A. A. Hermant (Ontario Housing Corporation): For the most part, the title work and certification of titles across the province is assigned to local solicitors in the municipality in which the project is being developed. We are involved in so many municipalities that there is no way that it could be done by a central staff located in our head office. It is distributed quite broadly across the province, and we feel that we get better service by having the matter handled by local solicitors who are familiar with local titles.

Mr. Peacock: Is legal work other than title work performed in these communities in respect to the development of a project? In other words, do you have a package deal from those legal firms which you hire to do work in connection with the development of a project?

Mr. Hermant: Basically it is the title work in connection with the acquisition of the land. The contract work is done in Toronto.

Mr. Peacock: May I ask, in respect to the title work, what fee is paid? Is the fee based on the value of the contract?

Mr. Hermant: No, it is a fee based on the acquisition price of the land component of a package. The package is broken up into construction costs, which is represented by a general construction contract, and the land acquisition figure, and the fee is based on the value of the land, which forms part of that package.

Mr. Singer: Unless you buy land and buildings.

Mr. Hermant: Unless we buy land and buildings. That is rather rare in recent years. I can think of only one or two instances where we have bought a total of 15 buildings for public housing.

Mr. Singer: This afternoon alone we have heard of a couple of such cases, including the one Mr. MacDonald talked about.

Mr. Hermant: The Humber Boulevard project was done as a general construction contract—

Mr. Peacock: Could I ask what this particular component of cost adds to a project? Could we have some idea of the amount of the fee for this legal work?

Mr. Hermant: It varies with the value of the land in each particular case.

Mr. Peacock: Is there a fairly constant fee in relation to the acquisition cost?

Mr. Hermant: We apply the same fee structure to all solicitors who act for us across the province.

Mr. Peacock: OHC determines the fee structure? What is that? Is it a proportion?

Mr. Hermant: One and a quarter per cent on the first \$20,000, three quarters of one and a quarter on the next \$80,000 and one-tenth of one per cent on the balance above that.

Mr. Peacock: I do not think I could figure that out in the next few seconds, Mr. Chairman, but in respect to Chapel Glen for instance, I wonder if the corporation has here with it the legal fee in respect to the titles.

Mr. Hermant: There was no legal fee work involved in that one. We handled that one with our own internal legal staff.

Mr. Peacock: I see.

Mrs. M. Renwick: Mr. Chairman, I am sorry, I was just going to point out that originally there was a legal fee. I am quoting

from the *Globe and Mail*, hoping that this will be accurate information, and perhaps—

Mr. Hermant: Pardon me. I can correct you. There were two phases—

Mrs. M. Renwick: Just a moment please. Mr. Chairman, I would like to state that the only changes—I am quoting an article in the *Globe and Mail*, May 23, 1970, by Tom Pryatt—since 1967 have been the deletion of some services such as legal fees from the all-inclusive price. The maximum allowable charge for incidentals has been \$700. Could we draw from the \$700 figure what the legal fees would have been for the original Chapel Glen project?

Mr. Hermant: The legal fee referred to there represents the developer's legal fees and not Ontario Housing Corporation's legal fees.

Mr. Peacock: I would very much like some information if it is available to us here today, if not perhaps later, about the 400-unit senior citizens' high-rise project on Ouellette Avenue in Windsor. Is the amount of the legal fee on the title available in respect to that project?

Mr. Hermant: Yes, I can get that for you in a very few moments.

Mr. Chairman: Is that all?

Mr. Peacock: Yes.

Mr. Chairman: The hon. member for York North.

Mr. W. Hodgson: Yes, Mr. Chairman, I would like to ask a question with regard to senior citizens' housing. When your representatives go out to make a survey of an area of a town for senior citizens' housing, do they make a survey of the surrounding community as well?

Hon. Mr. Randall: I would think if it is a small town we would.

Mr. W. Hodgson: Say a town of 10,000.

Hon. Mr. Randall: Mostly the municipality, but in some areas, they do look at the surrounding area, which they may draw on as far as future senior citizens are concerned. Perhaps Mr. Riggs here can make comment on that, can you?

Mr. Goyette: Essentially speaking, it is pretty much within the municipality in which the project is likely to be built. The main

reason is that the municipality is a contributor toward any subsidy that might take place, and they usually have their own rules as to who will be the eligible people for the project. Then usually it is somebody from that municipality. There are instances, however, in a township near Inco—Bucke township—which, I think, is near New Liskeard up in northern Ontario, where sometimes three or four of the townships will get together and say we will have one senior citizens' project at a central point, and in that fact one would survey what the need might be in the various municipalities. But roughly speaking, the survey is pretty much done in the municipality in which the project will be done.

Mr. W. Hodgson: Then a rural municipality can make application. To get a senior citizens' project, each municipality has to make its own application. Is that it?

Mr. Goyette: Yes, each municipality, whatever the municipal entity is, makes its own application. We have many so-called rural municipalities. The only thing I would caution against, Mr. Chairman, is that there are areas in some of the rural municipalities where there are no piped municipal services and building is a bit of a difficulty.

Mr. W. Hodgson: What happens, though, to the senior citizen in those municipalities where there is the problem of no municipal services?

Mr. Goyette: In one or two places we have gone ahead with a septic tank arrangement. But our main problem here is getting our financing from the federal government where services other than piped services are available.

Mr. W. Hodgson: And in a municipality where these senior citizens' homes are established, they have the right to select and choose? If they cannot fill them themselves they can turn down a resident from a neighbouring municipality?

Mr. Goyette: As far as we are concerned, and as far as—

Mr. W. Hodgson: Oh, I know as far as you are concerned, but I am talking about the rights of the municipality. They can turn down residents from neighbouring municipalities?

Mr. Goyette: They can turn them down, and they can also accept them if they wish. This, of course, as you know, is done by the

housing authority in that municipality. I think in Timmins, for example, they took some people in from Schumacher.

Mr. W. Hodgson: Would it not be a better policy when you made a survey in a particular town—I am talking about a rural-urban area—you went out into the other municipalities and tried to get the co-operation of all the municipalities. Then they would all feel part of the project and we could house all our senior citizens who need housing. There is a great need for senior citizens' housing, in addition to that in the municipality in which the senior citizens' residence is established.

Mr. Goyette: I quite agree with you. You might be interested that our production of senior citizen housing in 1965 represented, in terms of units, about five per cent of our starts. I think last year the number of units moved up to 35 per cent. We have also done surveys in I think, something like 160 municipalities in Ontario. This does mean that we have gone out into many of the smaller units. We have been delighted to go into smaller units.

Mr. W. Hodgson: Yes, I think this is one of our problems. At the present time there is a new senior citizens' housing unit going up and people get high hopes that they are going to get into this building. Once it is established they say, "Sorry, you do not live in our municipality," and they feel like they are not part of the whole show or part of the province, when they are turned away.

Hon. Mr. Randall: Now that we have set up area-housing authorities, which are starting to share, your housing authorities will be taking in several municipalities. So that I think the needs of people in the rural areas are probably being given greater consideration than they have been in the past in this new area-housing authority bill.

Mr. J. W. Snow (Halton East): May I say, Mr. Chairman, on this particular point, in one instance I know of in my own area the town of Georgetown and the township of Esquesing—Esquesing surrounds Georgetown—had a joint survey and application made for senior citizens' housing. People will be able to go there from either the township or the town.

Mr. Chairman: Any further questions? The hon. member for Hamilton Mountain.

Mr. J. R. Smith (Hamilton Mountain): Mr. Chairman, on the subject of senior citizens' accommodation. I remember in 1967 the

minister came to open a number of new units in a complex called the Macassa Park senior citizens' apartments which are adjacent to another senior citizens' development named after the hon. member for Hamilton West. This is quite a large development now of fine senior citizens' accommodation. However, it is noteworthy that in the other senior citizens' high-rise apartments in the downtown areas of Hamilton these new developments all have some form of recreational facilities usually in the form of a lounge-type recreational room. I know at the Ken Soble apartments in particular these facilities are certainly enjoyed by the residents of the project. Near the Macassa Park and Ada Pritchard apartments there is the municipal home for the aged called Macassa Lodge which has a large auditorium.

That home in turn has had several expansions during the past few years and the auditorium there is used extensively for the entertainment and recreational needs of the residents of the home. I would like to see the Ontario Housing Corporation look into the possibility of perhaps providing some form of recreational lounge area for these nearby senior citizens' apartments.

The second thing I would like to bring to the minister's attention is a brief which was submitted by the Mohawk tenants' association to the Ontario Housing Corporation in early May. Mr. Chairman, this was submitted directly to Mr. Sutars of Ontario Housing. I received a brief at the same time. I have not had an opportunity to hear personally from Mr. Sutars about their brief. However, there are some things in this that I would like to share with the minister as they are rather disturbing. This is a brief which, incidentally, was drafted with the help of the Hamilton and District Social Planning and Research Council, and it calls for changes in regulations governing Mohawk Gardens that, if implemented, would create a higher quality of life for the tenants and their families. One of the paragraphs in the summary of their report, "Ontario Housing", reads as follows:

Driving into this project, one can tell almost immediately that it is low-cost housing. Compared to other districts, there are fewer trees, no fences, fewer relatively new paint jobs. Once inside a home, one notices the open closets, the unsafe doors, particularly in the bathrooms and basements, lack of storm windows, screens and cupboard doors, deficient basements not suitable for children to play in.

The project tends to suffer from public inequity. We believe that public housing should be of such quality as to set a good example to the private market and give the tenants a feeling of pride. It is simply incredible that the government be allowed to maintain substandard housing. Our desire for adequate housing conditions is based on more than just an interest in comfort. Conditions under which people live have some impact on determining the level at which they function.

Mr. Chairman, one of the discouraging aspects of the report is the information that the survey which this tenants' association circulated shows there was a high incidence of unsatisfactory maintenance of the units, in particular as mentioned in this report—

Mr. Chairman: I might mention that the hon. member for Hamilton Mountain went into this very thoroughly last week. If there are any specific—

Mr. J. R. Smith: Unfortunately, I had a death in the family and I was away for a few days last week.

Mr. Chairman: If there are any specific questions you would like to ask?

Mr. J. R. Smith: This is a three-level project, three levels of government—I am wondering what Ontario Housing intends to do regarding the brief.

Hon. Mr. Randall: In our discussion last week with one of the members who brought it up, it was said it was wartime housing, as you know, which was moved from its original location. He also pointed out that many of the houses were in good shape, that maintenance had been looked after.

However, what we suggested was that there is a possibility some of them should be knocked down and the area used to rebuild housing there. I think, as Mr. Riggs pointed out, this is one of the areas we are going to look at with Central Mortgage and Housing because we have municipal apartments in there also. As you recall, some of our difficulties there have been that the municipal partners did not want any changes made in Mohawk Gardens some time ago. These changes usually complicate things and with elections coming along they said do not throw people out on the street now; do not knock anything down.

It is one of the areas that we are going to have a look at in view of the changes we have been receiving now from Central Mort-

gage and Housing about recreational areas, community facilities, and the things that can be done to, perhaps, put new housing in those areas. Not all of them need to be replaced but perhaps some of them should. We are going to have a look at them.

Mr. J. R. Smith: Mr. Chairman, in the fear of generalizing here, many of these units are new. The row housing is of very high standard and is a worthy indication of good public housing. It is in particular about some of the older units that I would like to see Ontario Housing put the pressure on Central Mortgage and Housing to undertake this survey. If I recall correctly, it was announced as long ago as five years ago that Central Mortgage was going to initiate some form of survey. Of course, this all hinges on whether or not these homes will be offered for sale to the tenants.

Hon. Mr. Randall: I think there are about 80 units on the fringe of that area you are talking about.

Mr. J. R. Smith: Pardon?

Hon. Mr. Randall: About 80 units in that area you are talking about?

Mr. J. R. Smith: About 80 new ones. The remainder of about 420 would be older, what we refer to as wartime housing. I think, by the same token, this undoubtedly will be a long-term project if these units are to be replaced by other forms of housing and redeveloped. There should not be any slow-down or holding back or household repairs and maintenance on the project.

Mr. W. Hodgson: Mr. Chairman, just one quick question in regard to senior citizen housing before we leave it. Would you consider in plans for the future, that senior citizens' housing could be built on a regional basis? I am talking about a region, the same as regional senior citizens homes are built?

Hon. Mr. Randall: I have a note here—we had a joint application of senior citizens from Vaughan and Markham townships—

Mr. W. Hodgson: I am talking about the new region of York. Could this be considered on a regional basis for senior citizens' apartments rather than on individual towns, if the new region so decided?

Hon. Mr. Randall: Yes, the same as Metro; they set up Metro housing.

Mr. Chairman: The hon. member for Nipissing.

Mr. R. S. Smith (Nipissing): Mr. Chairman, I would like to ask some questions first with regard to the HOME programmes, specifically in the North Bay area, where they have purchased some property in the last six months or so—five months, I guess. I would like to ask, firstly, how much was paid for that land exactly? For the 80 lots that were purchased?

Hon. Mr. Randall: Just a second. I will get that for you.

Mr. R. S. Smith: And whom they were purchased from, if you could tell me that as well?

Mr. Goyette: Could we look at that. I do not know if you have any other questions, but—

Mr. R. S. Smith: You look that up anyway and then I can point out to you the point I am trying to make. As I understand it, the price was either \$397,407 or—I was just trying to figure out the exact cost per lot, but it comes to a little over \$5,000 per lot.

Hon. Mr. Randall: Whose properties were they? What was the name of the property, do you remember?

Mr. R. S. Smith: Van Horne Crescent.

Mr. Goyette: That is a street in Ferris?

Mr. R. S. Smith: Down in Ferris, yes. From my understanding from the press release that went out, it was somewhere in the area of \$400,000, give or take a few thousand dollars. Perhaps he has it there now.

Hon. Mr. Randall: Gateway Developments, single lots, \$4,200, and there were 112 singles at \$4,200. Does that add up? One hundred and twelve single lots, fully serviced at \$4,200 at lot. Gateway Developments, 30 lots already serviced to be disposed of immediately.

Mr. R. S. Smith: And all the lots purchased are to be serviced?

Hon. Mr. Randall: Oh, yes.

Mr. R. S. Smith: The point I would like to make is that, during the past year or so, the same developer has been selling lots in the same area. These lots in the same area are in a far better position with regard to the scenic and aesthetic value of the lots. The lots that you have purchased are along the railroad track. They are the poorest lots in the whole subdivision in the whole area. They have been bypassed by developers earlier because they were not salable.

Other lots that he has been selling in that area on a single basis, or two or three at a time, have been selling at \$3,750 per lot. These have been purchased by individual builders on the basis of \$10 down and the rest as they draw on their mortgage from CMHC or wherever their mortgage money is coming from. So, in effect, they are saying that the HOME market value should be less than \$3,750, because of the concessions in the way they are purchasing them and the fact that they are going to be financed for at least eight to ten months.

The question I have is why Ontario Housing Corporation went in there and paid \$500 a lot more—almost \$500 a lot more—for the poorest land in the subdivision and bought 112 lots for cash money and why the price was so high for those properties when you consider for what other lots were sold. I have a list of 12 other lots that were sold in the adjoining area for \$3,750, and they are much superior lots. I content that what OHC is doing in this HOME programme in that area is inflating the price of land for other purchasers.

Rather than providing assistance to people to be able to obtain land that they can afford, they are increasing the price of land to other purchasers and other developers. Based on that sale for the property in that area, the developers in that area are now trying to get more money for their land, because they felt if Ontario Housing Corporation were going to pay \$4,200 each in a lump sum for 80 lots, that certainly their single lots should be selling for a lot more than \$3,750. So I think from what I found out that OHC has paid \$60,000 too much for the lots and has provided an incentive to the developers in the area to obtain more money for other land. So I think OHC is defeating its purpose in the area—rather than creating low-priced or reasonably priced land for the small purchaser—in an attempt to provide homes. I think the opposite is being done there and I cannot see why so much more money was paid for this land than is being paid by people who are buying one, two or three lots. I would like an explanation from the minister.

Hon. Mr. Randall: Well, let me first say I do not know anything about the people paying \$3,750 or the location of their lots. It is difficult to get serviced lots in North Bay. The lots we get are serviced. The funds were borrowed, as you know, through Central Mortgage and Housing and both their people and ourselves priced those lots and figured that at \$4,200 they were a good buy for the

HOME programme. Now, insofar as the competitive prices up there being paid by one or two or three builders—\$10 down and the balance when you catch up with them—I cannot argue with that because I know nothing about it.

We have to check your side of the story to find out whether we got a good buy or a poor buy. All I am saying is there are very few areas in Ontario where you can buy serviced lots for much less than \$4,200 and North Bay is one of those areas in our opinion.

Mr. R. S. Smith: The opinion of the local people, who are dealing with this property from day to day—and I am talking about some of the builders who are buying these properties all the time as well as some of the real estate people who are dealing in these properties—is that OHC paid \$60,000 too much money and they have inflated the price of land in the area by doing that.

Hon. Mr. Randall: Do not forget that they are in competition with us. If we did not buy from them, then they are not going to be very happy with us. We run into this every day of the week. If some fellow does not make a deal he automatically figures out that OHC is paying too much money or bought in the wrong place. I am not trying to be facetious. I am just saying that no matter what we do on land there is always a guy who comes forward and says, "If OHC had come to me—"

Mr. R. S. Smith: I will guarantee to the minister that the people who have come to me are not trying to sell you any property in the area and do not own—

Hon. Mr. Randall: The very fact that we bought there though—I can appreciate their price there had gone up when they went back for a second helping.

Mr. R. S. Smith: In fact you had inflated the prices in the area and you paid too much.

Hon. Mr. Randall: The point is, what do we do, if there are lots around, and there were, and this is the fixed price approved by Central Mortgage and Housing? They have looked at them. We have looked at them. We figure it is a good buy in that area and we buy them. Automatically the follow-up is, unless they have been buying lots for \$3,700, that we probably paid too much—we put the value of the land up. But we get accused of that in almost every area in which we buy. I do not know how we can overcome

it. Because if we do not buy we are accused of not putting lots on the market and if we do buy, of providing lots for middle-income families. What kinds of houses are these fellows putting on \$3,700 lots? Are they building—

Mr. R. S. Smith: Twenty-two thousand dollars and \$23,000.

Hon. Mr. Randall: Are there any lots under the HOME programme?

Mr. R. S. Smith: No. They are building under conventional mortgages and selling them in the neighbourhood of \$23,000 whereas yours are going to be around \$15,000 maximum. Is that not what you put on these lots?

Hon. Mr. Randall: Depends on whether it is three or four bedrooms.

Mr. R. S. Smith: I will tell you this. You are going to have very great difficulty in getting people to go into that area. Some people have come to me and they have been down to look at it and they said, "We would not put a nickel in a house in that area." This is because of the land situation, it is low, it is wet, and what do they look at? They look at the railway tracks. It is the worst land in the whole subdivision down there. It was passed over for two or three years because they could not sell it to any other developer, but Ontario Housing Corporation comes along and buys it at an inflated price.

I should think you are going to have great difficulty getting people to go in there through your programme. I cannot understand why they were in such a hurry to purchase this land. You say that lots are hard to find in North Bay; well, The Department of Municipal Affairs has just turned down two other subdivisions because it says there are over 600 lots available in the area, and there is no need for more property in the area. They turned down two other subdivisions.

I think either Municipal Affairs is wrong or you people are wrong—one or the other. I should think that there was not a close enough look taken at this. Who were the principals involved from whom you purchased?

Hon. Mr. Randall: Gateway Developments, whoever they are...

Mr. R. S. Smith: Are they connected in any way with Headway builders?

Hon. Mr. Randall: I do not know. I would say not.

Mr. R. S. Smith: You would say not.

Hon. Mr. Randall: Actually, my officials say no.

Let me say this about these other locations you are talking about. Of course, we would have to check them out with Municipal Affairs, and I will check out the information you have given us today to see what the facts are. We will look into it.

Mr. R. S. Smith: Who were you dealing with in regard to the purchase of this land?

Hon. Mr. Randall: Gateway Developments, whoever they are.

Mr. R. S. Smith: Who are the principals involved in Gateway?

Hon. Mr. Randall: I do not know. I will try to get that information for you. I do not have it here.

Mr. R. S. Smith: Was \$4,200 the offered price to you or was there any bargaining between you and the principals?

Hon. Mr. Randall: They wanted more. This is the negotiated price.

Mr. R. S. Smith: How much were they asking?

Hon. Mr. Randall: I could not tell you off-hand. We could take a look at it.

Mr. R. S. Smith: Did your people price the sales that went on recently in the area?

Hon. Mr. Randall: I would think they looked over the whole area and made up their minds whether it was a good buy or otherwise. When this goes to Central Mortgage and Housing, they also look at it and decide whether it is a good buy or otherwise. If they do not think it is a good buy, 75 per cent of the loan is not there. We are guided in making our decision not only by our own land people, but by Central Mortgage and Housing, as well as by the local conditions.

Mr. R. S. Smith: Did you have any independent appraisers you called or not?

Mr. Goyette: Yes.

Mr. R. S. Smith: Could I have a copy of the appraisal?

Mr. Goyette: We do not have that here, but we could get it for you.

Mr. R. S. Smith: You had correspondence in regard to the bargaining on the price of the lots, from their first offer to what they finally accepted from you?

Hon. Mr. Randall: We will get you anything we have got here. I will see if we can get our hands on it for you.

Mr. R. S. Smith: Along the same lines, the same company, as I understand it, has now put in a proposal for 50 of the geared-to-income homes. Have they been accepted? Is theirs the low tender on these homes?

Hon. Mr. Randall: I am sorry. I did not hear the question. Was it on public housing?

Mr. R. S. Smith: Yes. In that regard, they have bid on land that has no services into it at the present time. There is now some argument as to who is going to pay for the services for this land. They were the low bidder, based on the fact that they did not have any services into their property; now there are negotiations between yourselves, the city and the builder as to who is going to pay for the services. I would like to know where the negotiations stand right now.

Hon. Mr. Randall: Does anybody know?

Mr. Goyette: Yes, the negotiations are between the builder and the city. This was the result of publicly advertised proposals, in which there were some up—I am sorry; I have not got this tape for you, but I think you are talking about McKuen Avenue up above the bypass—

Mr. R. S. Smith: Yes, that is right.

Mr. Goyette: —and the end of Thiebold Hill. There was another project down in Ferris and there was something just east of North Bay, and the question of price comes into it. It is a question of dealing with the local municipality and what council wants, and a judgement is made between one project and another. My understanding is that there may be some up there and some in Ferris, and the question of servicing is a matter for the developer and the municipality to work out.

If he had to pay more for servicing—and I gather that is an extension of services along McKuen—that is something for the developer to work out with the city at his expense within the price he offers to them. It is his responsibility as a builder to get his building permit and build a building and to put it together in the manner in which he has offered it to us.

Mr. R. S. Smith: In other words, it was offered to you based on serviced lots ready to go.

Mr. Goyette: That is right. And if he has not serviced it, we do not get involved.

Mr. R. S. Smith: Has there been any commitment on your part to pay anything toward the services at all?

Mr. Goyette: No, no. I think it would be consistent with what I said earlier that we would not do it.

Mr. R. S. Smith: And if he fails to come to agreement with the city on the servicing of the land, you will then go to one of the other bidders, will you? That is what—

Mr. Goyette: Likely when I say yes, provided the board of directors agree to whatever is left on our plate and whatever is the best arrangement. That would be the normal course of events. I personally could not make that comment for you, but if he cannot make out some agreement and if it cannot work out, if it is not a deal, then we would normally go to the other persons who made a proposal to us. Alternatively, if the time is too long, too extended, we might call a new proposal.

Mr. R. S. Smith: The problem is that these homes are required now, you know, and it appears that the negotiations are going to go on for a good lengthy period of time. How long do you people wait when a person makes a bid in this way and then cannot produce the service—

Mr. Goyette: Our contract with the proponent is usually that he will build, for the average sized project, within a year.

Mr. R. S. Smith: In other words, if this does not work out, those homes will not be there for two years?

Mr. Goyette: Oh well, I would not think it was that long. We may well have a chance to negotiate with other proponents to carry on with a larger number of units.

I would not think it would take two years, no.

Hon. Mr. Randall: May I tell you the name of the three proponents of Gateway Development Limited? Charles Popiel, Robert Derwin Popiel and Anthony William Maloney. Are those the three names you wanted?

Mr. Chairman: Does the member for Nipissing have anything further?

Mr. R. S. Smith: No, not that vote.

Mr. Chairman: The hon. member for Hamilton East.

Mr. R. Gisborn (Hamilton East): Thank you, Mr. Chairman. I am going to be as brief as possible and try not to be repetitive in dealing with anything in the general field, and will confine my solicitation to an understanding of some of the questions related to housing projects in my riding.

Of course I want to express my pleasure at the co-operation that the newly developed tenants' associations in the Roxborough Park project are having with the authorities. I understand that nothing but good will come out of it in the future. It is going to clear up some of the many problems they face.

I was on the list last Tuesday night and could not get back until today and I left my briefcase at home, which contains some of the correspondence that I would like to refer to. Nevertheless, I do not think it is that important that it has to be quoted.

It is about the minister. I excuse a difference of a few months, but I would think it may be three or four years since the minister introduced his feeling that it might be a good idea to sell some of the existing homes—those that were conducive to sale—to the individuals in the Roxborough Park full recovery programme. Since that time, I have asked five or six times as to what progress was being made and, of course, the minister's answer was almost all the time that they were waiting for agreement from the federal partnership.

During this time, of course, this period seemed to build the aspirations and hopes of many of the people in that full recovery project; and for some, their hopes were squashed, because they thought that the thing was not going to take place.

I was aware of the pilot development in Guelph and the minister's recent answer to my question, in that he was still waiting for agreement with the federal minister on the policy and programme of selling homes to the public. I wrote to my colleague in Ottawa, Mr. Gilbert, and asked him if he would raise the question with Mr. Andras as to why the delay, which has forced yourself, sir, to procrastinate in this programme.

I got an answer, about April 26, explaining at some length that they had entered into an agreement to dispose of some 70 in the Guelph area and I do not know if that all has come to fruition or not. But he went on to

show a great reluctance to entertain the idea—the balance of his letter indicated that he was torn betwixt the idea of selling some of the homes, or staying with the idea of a lot more public housing stock for rental to those in need.

Subsequent to that, about three weeks ago, the minister announced—I saw the minister himself on TV, saying that they had got approval. Out of the 5,000 requests they were going to sell 1,000 in Hamilton, or maybe 1,000 in Windsor.

This confused me no end, because I had reported to two of the housing committees that it looked like the reluctance of the federal minister was going to block any consideration. Now I do not know at this point whether I am in favour of this kind of programme, or not. I have not had the time, nor the research, to see if it is feasible. I am certainly concerned about the large backlog of applicants in the Hamilton area.

I had a letter from Mr. Nixon, the administrator in the Roxborough Park project, today, asking to get some consideration for one application that I thought was very deserving and in need as much as anyone could be. He said there were 317 on file in the same circumstances—that is low income, crowded quarters and so on—and that there was the possibility 200-and-some units may be ready in August, but he did not think they would have a chance to get into those units and it might be 1972 before anything would break.

What is the clear position of the government as to the programme? Are they settled on the idea of—I think it was introduced originally as part of the integration programme—integrating some of the public housing in the private field in all areas? Have they settled on a programme of selling some of the homes in the different areas? Have you a firm agreement with the federal minister to go ahead with 1,000 or 2,000? What is the situation in that area?

Hon. Mr. Randall: We now have a letter of commitment from Mr. Andras himself to the housing corporation, through me, to go ahead and put on the auction block as quickly as possible 1,000 units. The first units to be put on the block will be the single-family units in the area you are talking about, as well as those in Windsor.

The second 4,000 will depend how this first 1,000 work out, I am inclined to believe that single-family units are easier for us to

transfer ownership far better than town-housing or high-rise apartments, as you recognize, where we would have to put in a condominium sort of approach.

As to the matter of selling; you say you are not too sure whether we should be. Let me show you. First of all, the federal authorities are in agreement to sell the first 1,000. We have sold 38 out of the 70 up in Guelph. They have been sold as people's economic circumstances permit, this gave them something to work for.

We think this is a good objective to have for people on public housing. I think, if you recognize some of the comments in the press, that people themselves are saying that they would like to own their own premises just as soon as they can.

When you look at the number of people waiting for public housing today—and the list grows, as it does in every country where the state is providing housing—it gets bigger every year, not less. Fewer people move out; the turnover is less. And if people are not going to move out, you are not saving anything by keeping them in public housing when you can make owners out of them.

I think in the long run the federal government has come to the same opinion we have here, that if you can provide people with accommodation of their own in which they have an ownership position. They put up the new project in Ottawa to try it out where they had ownership on one side of the street and the rest were on the other. I think Mr. Hellyer, in his wisdom, recognized that no matter how low you got the down payment and how long it took to pay, you would be far better off to let people become owners.

The housing we already have, in my estimation is going to remain occupied. It is difficult to get people out. We have a rent-geared-to-income and you know what happens there. If their income goes up, their economic circumstances are up and they have to pay, say, 25 per cent of every dollar they get over as rent-geared-to-income. Every dollar of increase they get, then the governments are accused of taking the last nickel off the table, and so forth, and so on. Now, that means you do one of two things: either you freeze rent as we did in May, 1968, or you throw people out in the street. And where are they going to go, because private investment, private developers, or not building the kind of homes that the people that you and I are talking about, can readily move into.

If we do not do it under the HOME programme, it is not going to be done anyway, as far as I am concerned. I think the federal authorities recognize as we do that home ownership for people in public housing is not a bad idea, as soon as we can get around to it. I just want to assure you that, as soon as these meetings are over here and we get back on the job, that the first thing we are going to do is get organized on the sale of these properties. I think we are going to be here till Christmas, so I cannot promise anything till after Christmas.

Mr. Gisborn: Might I have from the minister the position as to the land. Surely you are not selling, holus-bolus, property, the house and the land also. Are you not keeping the land under public control?

Hon. Mr. Randall: No, we sell the land. If there is a single family house, we give ownership of the land to them. You really must do that on an outright sale. On condominiums we sell on agreement of sale, and that is the way that is handled. Where you sell a public housing unit, we think it is wise to sell the land too. When we get into condominium with town housing and row housing, there may be a different set up there, although we cannot work at the present time under the present Condominium Act. If you sell a condominium, they must have title to the land. Therefore, it is sold under the agreement-of-sale basis, and so I think if we sell the unit we will certainly give the title to the land.

Mr. Gisborn: Just one other area. I had correspondence with your department. I forgot the name now, as I say I left the correspondence and the brief at home, but it was regarding an investigation of properties that were made available at Lawrence Road and Cochrane Road. It is called the old Cope property. Until about three years ago, the Cope plant operated for 100 years, as far as I could go back. The family were in construction and, for at least 50 years, they have had this property here at this site, where they have carried on the construction of sewer pipes. It became quite a nuisance and an obnoxious industry to the residents who built around it. I have to admit that they were working under a non-conforming right, but the citizens petitioned and won their point to have the place closed down. It took them some three years to win their battle but they finally won. The city finally expropriated to put further pressure on them, and when the Cope company agreed to get out

a year ago last July, the municipality, for what reason I cannot figure out, lifted their expropriation order. We had a firm promise by the council that they would hold onto their public assent of land and we could co-operatively decide what we could do with it in the best interests of the district.

But, nevertheless, it went into the hands of the Sally Vending Company. I do not know all the directors. I know some of them. Some of them are from Toronto and some from Burlington. Their first plans were to develop high-rise townhouse and single units in that particular area. It was quite disturbing to many, because east of Kenilworth, only in one particular area do we have anything over six-storey high-rise. Their proposition was for seven, and the density was going to be something greater than the density of an area 15 times the size, but nevertheless, the city council has agreed that they will support it. They have not filed their site plans yet. They will have to go before the Ontario Municipal Board, because there will be opposition to it. I am hoping that we can exercise citizens' rights before the board and have them turn down the application. I do not know what the chances are, but it would have been one of the finest spots in an area that needs senior citizens' accommodation.

The biggest impact, and we have done a fairly good job in Hamilton for senior citizens, has been in the west end of the city and in the northwest end. Those people have to move from where they have lived many years up to a strange area. I thought that the idea was to try to keep enough stock in a particular area to accommodate senior citizens. I thought this would have been a terrific site for a senior citizens' unit. One half of it is bisected by the hydro right-of-way, which would have been available for a splendid park area for the kind of park development, I thought, should have gone in there. Now the minister's department's answer, when I asked it to investigate the possibilities of getting this property, is logical enough, that Sally Vending, the developers have it now under option and that may be *per se* the thing that is going to happen. But I would ask the department—

Hon. Mr. Randall: They refused to sell it to us.

Mr. Gisborn: I would ask the department to watch it closely. If the board turns it down they may be able to move in. I do not know, I am going to do everything I can to get the municipal board to refuse the

go-ahead. What disturbed me was that when things like this happened, when there was a hue and cry raised about property development, and it looks like land is going to be available, I felt sure that either the city would hang on to it—they had it—or they would ask the housing corporation to come and have a look at it, to get in on the first step so that we do not lose every square foot of property available for the kind of housing we need in that particular area. And I think we have got to stop this waiting for land to become available in this *ad hoc* way.

You have to go in and have someone there working with the municipal land acquisition people, the surveyors, the real estate people in the municipality and know what is going on, know what lands are going to be available, what lands are likely to be available in the near future, so you can get your hands on it much sooner than the private developers get hold of it. We need more housing development for senior citizens in the east end of Hamilton or we are going to push people into the high-rise senior citizens' unit that we have to build for uptown.

Hon. Mr. Randall: We are interested in the property if it becomes available. We will keep an eye out. One of the difficult things we face, as you recognize, is that we go in to buy a piece of property either from the municipality or from the private vendor. The minute the Ontario Housing Corporation's name is mentioned we get two strikes against us because they figure we are going to put in too many units and too many people, and maybe the neighbourhood will change its structure. That is why, in some cases, we do not use Ontario Housing Corporation directly; we use somebody else, but the municipality itself also bought it.

The municipality itself would have to make a decision as to what kind of housing that would go in there as you recognize. They would decide whether it be zoned—not zoned necessarily—but whether we could get permission to put public housing in that particular area. We have had a number of discussions on land purchasing here in the last two weeks and I think it points up some of the difficulties we have in trying to get the Ontario Housing Corporation established in many areas, whether they are rural or urban or otherwise. But this one is a good property and we recognize it and we are interested in it if it does become available. We will keep an eye on it, but right now, as I understand it, the vendors have refused to make an offer to us or let us make an offer to them.

Mr. Gisborn: I recognize your problem with the municipality, but I feel that when a municipality like Hamilton has been making requests for more housing for so long, it indicates a social conscience.

Now, I agree that they have been disturbed about the density and the school problem and this sort of thing. But I hope that we will develop a more social conscious approach by the municipality in the next election which will assist your department in knowing what lands are available when talking to the school boards—

Hon. Mr. Randall: I will just say this. I think with the new kind of development we are coming up with now where we can provide recreational facilities and day nurseries and a few of those things, perhaps the interest we get from municipalities will be a lot greater than it has been in the past.

Mr. Gisborn: If you could just tell me what kind of requests the municipality of Hamilton has in now for future development?

Hon. Mr. Randall: Do you know what we have on hand?

Mr. Goyette: I think they are caught up at the moment.

Hon. Mr. Randall: Is it 400 units you are building over there at the present time?

Mr. Goyette: I think we are caught up now with the resolutions the council has passed. There is one project of 110 units that is going on the mountain, and the council, or at least the board of control, has informally suggested that perhaps that might be duplicated on the same piece of land that happens to be next door. But I think that is the only one now. I think we are pretty much caught up with the resolutions the city of Hamilton has passed.

Mr. Gisborn: Just one final comment and I will quit. I said I did not want to be repetitive on something that has been dealt with, but I do think you should take a real look at that brief about the Mohawk Gardens situation. Some of it is in deplorable condition.

I am not satisfied that the maintenance programme in the Roxborough Park full-recovery units is up to scratch. I think someone has to take a real look at some of the buildings there. The windows are out, screen doors are off and I think that too much attention is given to the environment of the families that are in the house; if they are in a poorer

shape, they have a marital problem and this sort of thing. They are not getting the attention that others get where they have not got those kind of problems.

You have to remember that in Mohawk Gardens situation, many of them were moved up from what were wartime houses away back in the 1940s and, of course, they were pretty flimsy, shabby slums at that time; you can imagine what they might be like now. So I would add my weight to that of Mr. Deans and Mr. Smith to take a real look at the need for rehabilitation and repairs in those units.

Mr. Chairman: The hon. member for Scarborough Centre.

Mrs. M. Renwick: Mr. Chairman, before asking the minister if he has some figures of income which would be required to purchase the next phase of the Home Ownership Made Easy scheme, which will be in Chapel Glen, I would like to state that I must have been sufficiently agitated at 8 o'clock on Thursday last that I read a couple of figures into the record, one of which just does not make any sense, and I can see how the other did not make sense, because I was using the years instead of the actual figures.

So I would like to correct it, where I was speaking to the minister about the fact that salaries had not increased nearly as much, it would appear, as the minister was suggesting they had. The correction would be where I said that a \$6,000 income in 1967 was a \$6,800 income in 1970. It should be that a \$6,000 income, if one adds six per cent per annum to it, becomes an income of \$7,146 in 1970.

I believe that the next figure I used incorrectly — they tell me this is how it came out on the tapes, but I do not know — was that a man earning \$7,146 a year would now earn \$7,000. Now that of course, was completely wrong. A man earning \$8,000 in 1967, if he received a six per cent increase annually between 1967 and 1970, would now earn \$9,528. I think those are very healthy increases actually.

I realize organized labour has had higher increases in that period of time, but the average income has not increased that much. So I ask the minister if he would bring in some figures substantiating his view that he was still appealing to the same income group he was appealing to when he mentioned in 1967 the \$6,000, \$7,000, and \$8,000 income group. What would their wages be now, in the minister's calculation? I am wondering if

the minister brought that information, by any chance.

Hon. Mr. Randall: Let me see if I can answer you this way. I cannot guarantee what anybody's income was back in 1967 any more than I can today. We can just take averages, as you have taken averages. That as an average of one member in the family working, not taking into consideration the fact that there may be two members in the family working; and if it is a wife, under our housing development scheme, 50 per cent of her income is considered for mortgage purposes. So the figures we have here are that the family income required per annum would start at \$7,728; the high would be \$8,054.

Looking at the selling prices, \$18,900 would be the low price for a one-bedroom. The high price for a one-bedroom, depending on location, would be \$19,700, the down payments between \$945 and \$985, and the income in that group would be \$7,728 and \$8,054.

In a two-bedroom, the low price possibly would be \$21,800 and in the high price \$22,700. The down payments in this case, would be \$1,090 and \$1,135 and the incomes at \$8,904 and \$9,211.

Mrs. M. Renwick: Eight thousand, nine hundred and four dollars?

Hon. Mr. Randall: Yes, and \$9,211.

Mrs. M. Renwick: The \$9,211 being modulars.

Hon. Mr. Randall: And then the three-bedroom is \$24,725 on the low side, and \$26,625 on the high side; the down payments are \$1,236.25 and \$1,331.25, and the income there would range from \$10,035 to \$10,683.

The four-bedroom would be a low of \$27,250 and a high of \$28,250. The down payment would be \$1,362.50 and \$1,412.50 and the income range there would be \$11,074 to \$11,415.

The five-bedroom would be a low of \$28,950 and a high of \$29,950. The down payment would be \$1,447.50 and \$1,497.50 and the income range there would be \$11,654 and \$12,000.

Now, as I said earlier, the houses are still within the guidelines we established back in 1968 or 1967 — the \$15,000, \$16,000 and \$17,000; and the difference in the price is strictly in the cost of the land, giving up the land for the amenities that we talked about, the charges that have gone on the land since

we started negotiation before we got the deal completed.

Mrs. M. Renwick: Mr. Chairman, could I ask if the minister would explain how he got the figure \$7,728 for the one bedroom apartment and does the same formula apply exactly to the \$12,000 income the minister lists for a five bedroom?

Hon. Mr. Randall: On an \$18,900 selling price —

Mrs. M. Renwick: Down payment of \$945.

Hon. Mr. Randall: We would finance the mortgage of \$17,955, that is a first mortgage at 9.5 per cent, no second mortgage is required.

Mrs. M. Renwick: Right, At \$145.04 per month.

Hon. Mr. Randall: No, no wait a minute. We said \$173.90.

Mrs. M. Renwick: Right.

Hon. Mr. Randall: And to take care of those down payments and the monthly payments one would basically have to have an income, a single person working with a family, would have to have an income of \$7,728, and, of course, it would help if anybody else was working in the family, and as I say, with 50 per cent of the wife's income.

Going to the other extreme, going to the five-bedroom, the \$29,950, we would finance a mortgage of \$28,452.50 with \$1,497.50 down and the monthly payments would be \$270 and that could be carried on an income of \$12,000.

This takes in about 15 per cent of the lower income people, does it not?

Mr. Goyette: From the Metro area.

Mrs. M. Renwick: I wonder if I could have that information very clearly. Mr. Goyette is saying in the Metro area but I want to have that very clear.

Mr. Goyette: The prices of these houses are within the bottom 15 per cent of the prices of new housing in Metro, or put in another way, 85 per cent of the houses cost \$30,000 or more.

Mrs. M. Renwick: Right. Mr. Chairman, when we left on Thursday we were no longer talking about this housing in comparison to current markets, but we were

talking about the families of the lower third of the income strata. Are they able to take advantage of these houses? The formula is based on the housing authority's formula as to whom they will rent to in the lower third of the income bracket?

Hon. Mr. Randall: I think there is confusion there. Central Mortgage and Housing define the middle third family income groups as \$6,000 to \$10,000 across Canada, and \$7,000 to \$11,000 in urban areas over 30,000. We are aiming for the middle income group in our HOME programme and the group lower than that, of course, would be provided for in public housing, which is what we are catering to.

Mrs. M. Renwick: Mr. Chairman, would the minister give a breakdown then of his \$173.90 for the one-bedroom apartment. I have it broken down as \$145.04 per month on a mortgage of \$17,955 and the municipal tax is estimated at \$30 per month. When you take that figure, Mr. Chairman, bring it to an annual figure and take 27 per cent of it, which I understand is the NHA mortgage rule, for percentage of income to go for shelter, it comes out somewhat higher than the minister said, but not enough to make an issue of—

Hon. Mr. Randall: You mentioned \$45 for taxes. I think we said —

Mrs. M. Renwick: No, Mr. Chairman, I said municipal taxes estimated at \$30 a month — Mr. Randall's estimate, I might say, Mr. Chairman. I have not talked to the borough people there, but that was, I think the minister's own estimate at one point. But what I would like to make certain is that the formula that you are using is the 27 per cent of the income that NHA use as a rule.

Hon. Mr. Randall: That is what we are using at the present time.

Mrs. M. Renwick: That is what you are using. Now, what about the cost of condominiums? The condominium costs, the service charges, in the city right now run from \$25 a month to \$40 a month, so we average those out at \$30 a month and the family shelter really comes out then at \$205 a month instead of \$173.90. And at that rate, Mr. Chairman, if you use 27 per cent as in the NHA formula, the families then have to have an income, if we use the NHA formula, of \$9,113 and if we use even the 25 per cent income, we are still talking about a family having to earn \$9,000 for just the one-bedroom apartment.

The condominium charges should surely be part of the shelter charges for the mortgage payments. There is no way to get rid of them.

Mr. Goyette: Right. We are prepared, if the family feels it can afford to, to extract the shelter charges. In effect, we are prepared to go up over 30 per cent. In other words, the amount of the monthly condominium charges will not be considered in the calculation of the income, so that is why we say \$7,728. If, as a matter of policy you chose to include those in them, as you say, it might be something in excess of \$9,000.

Mrs. M. Renwick: Mr. Chairman, my only question to that is, would it not be only realistic to include those charges since there is no way of shelving them, no way of getting out of them?

Hon. Mr. Randall: Most of those people would be paying those charges now if they had a house of their own or they would be doing their own work which would appreciate?

Mrs. M. Renwick: But they cannot do their own work if they do not want to pay \$30 a month. When you are realistically looking at what the families are going to have to pay to live in Chapel Glen—\$173.90 a month for a one-bedroom unit is really \$205 when you figure that they have to contribute toward the condominium cost. And that is getting pretty high.

Hon. Mr. Randall: If it runs that high—but there is no assurance that it will. For instance, in one section of Ontario it is now running at about between \$26 and \$28 a month.

Mrs. M. Renwick: What is the difference between \$26, \$28 and \$30.

Hon. Mr. Randall: I am not saying there is any difference. There is a management group coming into condominiums today which is striving for contracts, and the more efficient they get the less it costs, as you can appreciate.

Mrs. M. Renwick: Could I ask if the minister would tell me what the condominium costs are in Parkway Forest, the first HOME project, and is that project completed, Mr. Chairman?

Hon. Mr. Randall: It is estimated at \$26. I think it is all completed now—yes, they are all in there now.

Mrs. M. Renwick: Is that \$26 per unit an average, or does it run from \$26 to \$30?

Hon. Mr. Randall: That would be an average.

Mrs. M. Renwick: Could I ask, Mr. Chairman, the exact breakdown for condominium costs for Parkway Forest—because that is really the closest example we can use to estimate what the condominium costs might be in Chapel Glen.

Mr. Goyette: They are only estimates now because the—

Hon. Mr. Randall: Yes, as Mr. Goyette points out they are estimates now because the first year's costs are not in, and, of course, this is under the private management team as you recognize. We think it is possible that those costs may be lower than \$26 when we get organized. So there is no way we can tell you what it is going to be until they have been in for a year, but the averages—

Mrs. M. Renwick: When does the year come around?

Hon. Mr. Randall: When did they first move in?

Mr. Hermant: They are promised a year from now.

Hon. Mr. Randall: They are promised a year from now. The apartment houses, Mr. Hermant says, has not been in operation, has not been fully occupied yet. They are not all in yet.

Mrs. M. Renwick: When the minister said this is going to be, this is privately—how did the minister say, privately operated?

Hon. Mr. Randall: A condition is that the developer has to run the project for five years.

Mrs. M. Renwick: Right, the developer. That is the condition under which you—

Hon. Mr. Randall: Yes, and the same thing applies over in Chapel Glen. The developers over there would have to set up a management team to run it under the terms of the agreement.

Mrs. M. Renwick: So it would be the same kind of private management that Parkway Forest has? There would be no difference in the management, Mr. Chairman?

Hon. Mr. Randall: That is right.

Mrs. M. Renwick: So unless there is a startling drop in that \$26 figure, we could assume that they were being pretty realistic when they put \$26 on. Really, then, under the figurings that I have used, we can take off \$4 and say that a one-bedroom apartment, by the time you pay the \$173.90 a month, plus a \$26 condominium charge, is \$201 a month—

Hon. Mr. Randall: Let me also point out to the member that when you are living in an apartment you have no fix on your rent. Any time you go home when the lease is up, the landlord can raise it \$30 or \$40 a month. These people have moved in at a fix. The only fix they do not have is their taxes and whatever services they demand. If they demand increased services they are going to have to pay for it, but the tenants vote on the kind of service they want. They make up their minds. It is their decision as to what kind of services are provided. That is why I say there is an element of fluctuation here, which we cannot put our finger on as we get under way. But as it looks at the present time, we think that our predictions are pretty accurate. We will know better in a year's time when we get through with the Parkway report.

Mrs. M. Renwick: Who does the minister—

Mr. Chairman: I think we had better recess now until 8 o'clock. It is 6 o'clock now.

It being 6 o'clock p.m., the committee took recess.

S-15



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY
Department of Trade and Development
Chairman: Mr. D. A. Evans, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, June 1, 1970
Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 1, 1970

The committee resumed at 8 o'clock, p.m.

ESTIMATES, DEPARTMENT OF TRADE AND DEVELOPMENT (concluded)

On votes 2209 and 2210:

Mr. Chairman: We will come to order now.
The hon. member for Scarborough Centre.

Mrs. M. Renwick (Scarborough Centre): Thank you. When we adjourned for supper, Mr. Chairman, we were discussing the fact that when you add condominium charges per month to the cost of carrying the units that were purchased, per month, in the Chapel Glen project—for a one-bedroom apartment you have been using the figures that Parkway Forest are using now for condominium charges of \$26 per month—the cost of the one-bedroom apartment becomes \$201.04 per month.

I would like to ask the minister what his thoughts are on the subject. Who does he think are going to be the purchasers of the—is it 384 one-bedroom units? Is that the correct figure, Mr. Minister? I can only see, Mr. Chairman, that it is going to be the very old, or the very young, who require one bedroom. And the very old, certainly, unless they are wealthy, elderly people, cannot afford \$200 per month for a one-bedroom apartment.

The minister is constantly referring to the fact that I live near this project, you know. I might say to the minister that I pay \$215 for a three-bedroom apartment.

Hon. S. J. Randall (Minister of Trade and Development): But you have no assurance that you are not going to pay \$315 a month.

Mrs. M. Renwick: Mr. Chairman, the minister says there is no assurance. But there is, believe it or not, Mr. Chairman, a limit to what the public can pay. It was proved in the last 12 months in the city of Toronto, when there were more apartments in this \$200-a-month bracket than there were people to purchase them. We are not in a market where we can go in to more one-bedroom apartments at this amount of money.

I would say to the minister, Mr. Chairman, with all due respect, that we are looking at a project for which we paid \$160,000 an acre for land—\$215,000 an acre for land. We have got 384 one-bedroom units in that project which we are now going to try to put on the market at \$173.90 a month, plus condominium carrying charges, which the minister can only say must be at least \$25 a month.

How are we seeing that as a responsible venture of public funds?

Mr. W. Hodgson (York North): Are you buying yours, though? This is the difference.

Mrs. M. Renwick: The difference may very well—

Hon. Mr. Randall: You are renting, this other you are purchasing.

Mrs. M. Renwick: Mr. Chairman, I try really never to think of anything in the legislative assembly in terms of anything personal. It is just that it dawned on me that the minister does refer to this frequently, and that that was a comparison. I think that it is not necessarily really relative to the fact that that is a private developer in that area, and that we are now looking at a project financed by public funds, which we hope will be a sound investment.

Hon. Mr. Randall: No subsidy required.

Mrs. M. Renwick: We do not buy at that rate, if you really want to know.

Hon. Mr. Randall: No subsidy required.

Mrs. M. Renwick: No subsidy required? Who is going to fill the one-bedroom apartments at \$200 per month.

Hon. Mr. Randall: We think there will be a lot of people in that middle income bracket that we talked about this afternoon, the middle third.

Mrs. M. Renwick: In the middle third of the income?

Hon. Mr. Randall: Up to \$12,000 income, when you take two working in the family, which usually there are in that particular

area you are in. At 27 per cent a month, you can finance a \$29,950, five-bedroom townhouse, and I would think you can get all the takers you want at these prices.

Mrs. M. Renwick: Mr. Chairman, it is, I think pretty poor business to base these units on the fact that two people in a family will be working. Because if someone gets pregnant, they do not work any longer, sometimes, or someone gets sick and—

Hon. Mr. Randall: You are thinking of all the negatives; think of some of the positives.

Mrs. M. Renwick: Sure, look at the positives. You are really building housing for where there are two people working in a family, which is where we started in this—saying that the average family, by the time they have paid their taxes to both levels of government, provincial and federal, have not got enough money left to be interested in these units. Not at \$200 to \$300 per month.

Mr. Chairman, there is the other thing the minister might comment on—that for \$200 a month you can buy a one-bedroom apartment and for \$300 you can buy a five-bedroom townhouse.

Hon. Mr. Randall: Let me tell you what happened in Parkway Forest.

Mrs. M. Renwick: I cannot imagine what happened there.

Hon. Mr. Randall: There were 52 people in Parkway Forest who bought single-bedroom houses, and their incomes ranged all the way from \$5,000 to \$15,000 and over. The same thing will apply in Chapel Glen village.

Mrs. M. Renwick: Mr. Chairman, how many were \$5,000 and how many were, say, under \$10,000, and how many were over?

Hon. Mr. Randall: I will give you the figures we have here. There was \$5,000 to \$6,000—four; \$6,000 to \$7,000—15; \$7,000 to \$8,000—17—

Mrs. M. Renwick: Seventeen?

Hon. Mr. Randall: Seventeen; \$8,000 to \$9,000—seven; \$9,000 to \$10,000—five; \$10,000 to \$11,000—one. Nothing in the \$11,000 category. One in the \$12,000 category and one in the \$15,000 and over. They were the single bedrooms.

You say that there will be nobody to fill them. We do not have any doubt we will fill them. We do not have any doubt we will

sell them. I think these people are getting a very good buy, and they are living in the neighbourhood where they want to live. This is not housing for low-income people. We never intended it to be.

Mr. H. Peacock (Windsor West): Will there be housing for people who could also qualify under NHA?

Hon. Mr. Randall: NHA? We think there will be. Sure.

Mrs. M. Renwick: Mr. Chairman, that was one of the real selling points of the minister's first approach to the whole scheme.

Hon. Mr. Randall: You are going back two years, and there is no use going back—

Mrs. M. Renwick: It means that we need a new formula then, Mr. Chairman, for the whole scheme if it no longer applies to that income group.

Hon. Mr. Randall: No, we do not. What! Would you do nothing with the land?

Mr. Peacock: May I ask a question?

Hon. Mr. Randall: You have two choices. You can go ahead and do nothing—

Mrs. M. Renwick: One second.

Hon. Mr. Randall: Oh, no. I let my colleague interrupt me this afternoon.

Mr. Chairman: Let her finish first. You cannot both talk at once.

Mr. Peacock: I just asked if I could ask a question.

Mr. Chairman: Yes, you can, but wait till she is finished.

Mrs. M. Renwick: At the time that Parkway Forest was rented, Mr. Chairman, I believe it was advertised as Chapel Glen was in 1967 as being available for \$5,000- \$6,000- and \$7,000-a-year incomes.

Hon. Mr. Randall: We were able to proceed with it.

Mrs. M. Renwick: And you have 17 families in that category?

Hon. Mr. Randall: That is right.

Mrs. M. Renwick: Seventeen out of how many?

Hon. Mr. Randall: And this is two years later, and their incomes have gone up.

Mrs. M. Renwick: Seventeen out of 52?

Hon. Mr. Randall: Yes. Their incomes have gone up within the means in the last two and a half years, too. Do not forget that.

Mrs. M. Renwick: Yes, but you actually only accommodated, Mr. Chairman, under these figures only—wait a minute, it is not 17, Mr. Minister, it is 36.

Hon. Mr. Randall: Fifty-two people—

Mrs. M. Renwick: Thirty-six families under \$8,000 a year are in Parkway Forest.

Hon. Mr. Randall: Wait a minute now. You asked me could we—

Mrs. M. Renwick: —or the one-bedroom units.

Hon. Mr. Randall: —rent the one-bedroom units, and I just pointed out that we sold 52 of the one-bedroom units to people in these categories right here. Of the 52 people I gave you the price range. The last is \$5,000, from \$9,000 to \$10,000. So within the category of \$10,000 or less we have taken care of 49 of those people who wanted single bedrooms. These people have all had increases in the meantime. So I see no reason why we worry about filling them. I have no worry about filling them. I only wish we had twice as many.

Mrs. M. Renwick: What are the incomes of the family units in Parkway Forest? How do they break down?

Hon. Mr. Randall: Well, let me see. Of the two-bedrooms there were 107, and there were two up to \$6,000, 11 up to \$7,000, 34 up to \$8,000, 25 up to \$9,000, 16 up to \$10,000, eight up to \$11,000, two to \$12,000, three to \$13,000, three to \$14,000, one to \$15,000 and one to \$15,000 and over for a total of 107. That is the two-bedroom. In the three-bedroom—let me give you those while I am at it—there were 130 three-bedroom units there, and they accommodated from \$5,000 to \$6,000 one, from \$6,000 to \$7,000 two, from \$7,000 to \$8,000 11, from \$8,000 to \$9,000 34, from \$9,000 to \$10,000 33, from \$10,000 to \$11,000 23, \$11,000 to \$12,000 seven, \$12,000 to \$13,000 six, \$13,000 to \$14,000 three, \$14,000 to \$15,000 two, and \$15,000 and over seven.

Mrs. M. Renwick: So really, Mr. Chairman, it appealed mostly to the families with \$9,000 to \$11,000 incomes.

Hon. Mr. Randall: It is a well-balanced community in different categories of income. This is what will happen in Chapel Glen.

Mrs. M. Renwick: I think my colleague from Windsor would like to ask a question on Chapel Glen before we finish?

Mr. Peacock: You caught me on my way out.

Mr. Chairman: Do you have a question?

Mr. Peacock: I have a question, Mr. Chairman. The minister said just a few moments ago—

Mr. Chairman: Is it on the same point?

Mr. Peacock: Right on this matter of Chapel Glen and Parkway Forest and the purchase of condominiums. He said, "What do you want us to do, come up with a new formula?" I wanted to ask the minister the other evening, in his discussion of how the costs for Chapel Glen had risen and how in his view, apparently, incomes had risen, whether he was really talking about the same group of people? Secondly, whether or not under such a new formula, he could not have devised a means of excluding that increase in cost that was experienced in the intervening period from the time of the announcement in October, 1967, until the present sod-turning which took place in the last day or so because the rise in eligible income for, I think it was the largest unit, five-bedroom, was \$10,099 to something over \$12,000 or around \$12,000.

I just want to point out to the minister that surely the corporation could have found some way of trying to market the units to the very same income group that he spoke of in October, 1967, because while it is true that a good number of people in that income group may have won wage or salary increases, I think the statistics produced in the discussion about the Benson white paper have shown that by and large that is a pretty constant middle-income group that middle third. You do not have a great deal of movement into or out of it. There is certainly a lot less movement upward out of the middle third than you have moving from the bottom third into the middle third. How much would it have cost the corporation to absorb those increased costs between October, 1967, and the present time?

Hon. Mr. Randall: Let me be specific. The HOME programme is for middle-income

people. There is no subsidy involved. The only way you could bring that down is to either write off the cost increase to the taxpayer or go back to 3,700 or 3,800 units. Then we are talking about increased density which would not be permitted in North York. So you have two choices, either write it off or increase the density and spread the cost over more units.

We were caught in two areas. We were caught not only in the delays that we experienced through no fault of our own, but we were caught in a shortage of acreage providing the amenities required today whenever anybody is talking about amenities. You have to pay something for these amenities. I think it is a better project than when we started because the amenities are there. You have to pay for those amenities. It has to be included in the price. I am quite certain nobody can show me where housing for the same price is going up in any urban area anywhere in Ontario. At these prices, it is still a good buy. You must also consider the fact that the province is prepared to guarantee 9.5 per cent mortgage money with 95 per cent of the mortgage taken care of by the province. I do not know how these people can lose.

To me it is a good deal, regardless of the fact that the land cost—as I said earlier the building cost has not increased—the land cost has gone up. The land itself has not increased in value. It was sold to us at the price we agreed on, but the expenses of maintaining the land for that length of time, the giveaway of acreage for the amenities, all adds to the cost. And I think the hon. member being an accountant recognizes it has got to come out of the end price unless you make up your mind that you are going to subsidize the HOME programme. That is not the intention of this government so far. Maybe the policy one of these days will change, but at the moment what we are trying to do is help these people. We do not want them to drop back on the public purse and have to be subsidized.

Mr. Peacock: Yet in other land developments under the HOME programme you are prepared to absorb some of the costs. You have said you have.

Hon. Mr. Randall: No. We do not have to absorb any land costs with other developments, because this land is being sold at our cost—and the same with the other areas I talked about, Malvern or Saltfleet. Those land costs will be at our costs, the same as this one here.

Mr. Peacock: Your final costs.

Hon. Mr. Randall: Sure.

Mr. Peacock: Whatever it costs you with respect to interest, or—

Hon. Mr. Randall: That is right.

Mr. Peacock: —other payments to maintain the land until it is complete, until the development is complete?

Hon. Mr. Randall: That is right.

Mr. Peacock: You will add them on to the final price.

Hon. Mr. Randall: What I am saying is the sooner we can get this cow pasture into production the lower the price is going to be. When we run into the difficulties that we did not foresee in this situation—and nobody else did—this adds to our cost. There is nothing you can do about it. It is all right to sit and criticize—and I am prepared to be criticized—but all I say is we are still coming up with 3,200 family units that cannot be touched.

Mr. Peacock: Granted that they have all these advantages that the minister speaks of and granted that certain costs were unforeseeable, does it not remain that one of the elements of the HOME programme is to remove the cost of land from housing—not to remove the cost, but to achieve as much control over that cost as possible? Aside from the addition of certain amenities which may have been required, would the additional cost which is now added to the final purchase price for maintenance of the land itself, have been a significant share of the overall increase that we now have before us?

Hon. Mr. Randall: The additional cost to hold the land?

Mr. Peacock: Yes.

Hon. Mr. Randall: Yes, I think it adds considerably to it. I think primarily the main increase in the cost is the reduction of 70 acres to 60.5 and is one of the difficulties—

Mr. W. Hodgson: Mr. Chairman, we discussed this all a couple of days ago.

Hon. Mr. Randall: —and a reduction of the density.

Mr. Peacock: I just want to—

Mr. W. Hodgson: Why go over it all again?

Mr. Peacock: I am not going back over it, but as long as this question has not been asked before, I want to be clear about why the corporation could not have absorbed those increasing costs so that exactly the same income group could be served.

Hon. Mr. Randall: You would have to write it off at the taxpayer's expense. I do not think you are prepared to do that.

Mrs. M. Renwick: Mr. Chairman, I would like to discuss with the minister the—

Hon. Mr. Randall: Can I answer one question before the hon. member for Windsor goes? I think you asked me a question this afternoon—was it you who asked me about legal fees? Did you get it? All right, thank you.

Mr. W. Hodgson: Is everything in order?

Interjections by hon. members.

Hon. Mr. Randall: Do not let him confuse you —

Mrs. M. Renwick: I was always under the illusion that those were friends and colleagues.

Hon. Mr. Randall: I would just like —

Mr. W. Hodgson: We sit here all night, and you only come in once in a while.

Mr. Chairman: I might just mention —

Mrs. M. Renwick: I have been here for days.

Mr. Chairman: I might just mention —

Mrs. M. Renwick: I have been here for three days without saying a word, can you imagine?

Mr. W. Hodgson: You come in once in a while and you lost your turn three or four times because you were not here.

Mrs. M. Renwick: I had an appointment.

Mr. Chairman: I would just like to mention as chairman there is no member of the opposition at all on the committee. The hon. member is not on the committee. There is no member here, but —

Mr. W. Hodgson: Is Mrs. Renwick not on the committee?

Mr. Chairman: Not even the substitute. But just to show what kind of fellows we are we would like to give her an opportunity.

Interjections by hon. members.

Mr. Chairman: You promised me you would not be too long.

Mrs. M. Renwick: Mr. Chairman, I make no promises whatsoever. I would like to say that it must be very frustrating to be a backbencher in a government that is really —

Mr. Chairman: This has got nothing to do with this at all. Nothing to do with the estimates at all. It must be frustrating to try to be a member of the government which you will never be, too. Anyway, go ahead.

Mrs. M. Renwick: Mr. Chairman, there is a housing scale going to become effective July 1. I wonder if any of you chaps managed to get hold of a copy of the new housing standards.

Mr. Chairman: Direct your questions to the chair, if you please.

Mrs. M. Renwick: Mr. Chairman, I wonder if any of the men who are so upset at the moment are so because a woman has the floor and they have to sit and look —

Interjections by hon. members.

Mrs. M. Renwick: Mr. Chairman, I think the hon. member must not have been here the first three days. Is the new housing scale, which will become effective, the minister has said, July —

Hon. Mr. Randall: Yes, we expect it to become effective July 1 and if it is not, I understand from my colleagues that it will be dated back to July 1.

Mrs. M. Renwick: Very good. I believe the minister was kind enough to table for the member for Riverdale (Mr. J. Renwick) the Central Mortgage and Housing Corporation's commentary to Mr. Suters on May 11, on the new revisions to CMHC arrangements. Everything was included in that package deal, Mr. Chairman, except for the new housing scale, which was the first item on the list — furtherance on the proposed modified rents or income scale. I finally managed to get hold of a copy from other sources, Mr. Chairman.

I would just like to ask the minister, is this all that is going to take place in the change of the housing scale, effective July 1? Families who pay \$35 a month rent because their income is \$200 a month, get a \$1 lower rent of \$34. Families whose income is \$240 a month pay \$48 on the old scale; they will fall now into a \$47-a-month bracket.

Then it changes suddenly and I do not understand this change, Mr. Chairman — if the minister would elaborate. Families earning \$320 a month who paid \$76 on the old scale, will pay \$73. Families earning \$368 a month who paid \$92 a month on the old scale, will pay \$89. It goes through a period of four areas then, Mr. Chairman, where the lowering of the rent scale is \$3. The last two are, if you earn \$392 a month you paid \$100 a month rent; it is now down to \$97. And if you earn \$416 a month, on the old scale it was \$108 and it is now down to \$105.

Then we take a considerable leap. Once again, then that have, get, Mr. Chairman. If you earn \$472, when you paid \$128 on the old scale, you will pay \$122; \$6 less. If you earn \$496, you paid \$136, and you will pay \$128 on the new scale; \$8 less. If you earn \$520, you paid \$124 and you now pay \$134; \$10 less. If you earn \$560 a month, the old scale was \$168, you now pay \$144; \$24 a month less.

How is the system devised, Mr. Chairman? There will be \$2 per child, Mr. Chairman, that can be deducted from that, but this is the basic scale which, of course, is based without taking children into consideration.

Hon. Mr. Randall: Mr. Chairman, does the hon. member want any comment now?

Mrs. M. Renwick: Yes, I think—

Hon. Mr. Randall: Mr. Riggs, will you?

Mrs. M. Renwick: They stretch from—is it 16.7? Is that the first one? Is it a stretch from there to 25 per cent maybe? Is that—

Hon. Mr. Randall: Let Mr. Riggs comment. I think we can—

Mr. R. W. Riggs (Ontario Housing Corporation): The scale now goes from approximately 14.7 per cent—

Mrs. M. Renwick: It has got 16.7 on here —14.7?

Mr. Riggs: —14.7 approximately—there is still a variation here—to 25 per cent. I might also mention that in the comparisons that you mentioned, starting at approximately \$215 monthly income, where your present monthly rent is \$40, the proper scale for that particular figure would be \$35 under the new scale, going down and picking a figure of \$310, which I think you mentioned.

Mrs. M. Renwick: \$320.

Mr. Riggs: Three hundred and twenty dollars, thank you. The present monthly rental is \$76 and the new monthly rental, according to Central Mortgage's proposed guidelines, would be \$69.

Going down, which was your next figure—after that figure?

Mrs. M. Renwick: \$368, \$92 and \$89.

Mr. Riggs: At \$368, \$92 and \$85. Similarly, you had one, I think, about \$451.

Mrs. M. Renwick: \$392.

Mr. Riggs: At \$392 the present rental is \$100; the proposed rental would be \$93. At that point in income it is approximately 23.7 per cent of the gross income.

Your next figure?

Mrs. M. Renwick: \$416.

Mr. Riggs: At \$416 the present rental is \$108. It reduces down to \$101, which is 22.2 per cent of gross income.

After that?

Mrs. M. Renwick: \$472.

Mr. Riggs: At \$472 the present rental is \$128 which, on the old scale, was 27.1 per cent. Under the new scale it is \$118, which is the maximum figure of 25 per cent. All figures above this figure—in fact, the 25 per cent is intersective at \$461 and that is gross income. All percentages above that would be 25 per cent.

You also mentioned about the reduction of \$2 per child. Under the present CHMC or federal guidelines, the minimal rental, regardless of children or income, would be \$28. It now rents below that figure.

Mrs. M. Renwick: Thank you, Mr. Chairman. You say that my secret source of supply—that they were figures that were just recommendations?

An. hon. member: They are antiquated.

Mrs. M. Renwick: Well, hardly.

Mr. Chairman: Why do you not just ask the hon. minister for all the information? He would be glad to give it to you right now.

Mrs. M. Renwick: I think we should have that information by now. What is it, a month from now that they are going into effect?

I think you are right Mr. Chairman. The first of the month of June, people have to be informed surely as to what is going to happen

on July 1—what is going to happen with the new rentals.

Hon. Mr. Randall: We can table a copy, we were working on it. You asked a question the other day and I do not know where you get your figures from. We were preparing a new table, showing the old table against the new. We would be glad to send you a copy, get a copy of the table for you, but—

Mrs. M. Renwick: You mean to say you do not have it now?

Hon. Mr. Randall: Yes, I will give you mine if you like.

Mrs. M. Renwick: I think that it is very important that we get that information, Mr. Chairman. I think all the hon. members who have OHC units in their ridings would want that information now, not just me.

Hon. Mr. Randall: They will get it just as soon as we can get it out to them, but we have been sitting here for three weeks—or going on to three weeks. I have not even got my Christmas shopping done yet—and I might say also, our board of directors had to approve it, as you recall, when we got the information from Ottawa.

We wanted to discuss a few things with Ottawa that they did not put in it. We tried to pressure them a little bit to go ahead and put in some things we had recommended, which was not done and that is another reason for the discussion. The minute you read it in the newspaper does not necessarily—

Mrs. M. Renwick: Mr. Chairman, why do we not settle for the information except what the minister wants approved by the board of directors?

Hon. Mr. Randall: Pardon?

Mrs. M. Renwick: Why do we not settle for all the information except the small part that you want to get approved by the board of directors.

Hon. Mr. Randall: We have approval now as I understand it. June 3 we get approval from the board of directors and we do not think there will be any difficulty so we are giving it to you before the board of directors.

Mr. Chairman: Are there any other questions; can we get off this vote?

Mrs. M. Renwick: No, you cannot get off this vote.

Mr. Chairman: Have you anything else? Anything new to add? We have been over a week on this very vote right now.

Mrs. M. Renwick: There is nothing newer than the new rental scale, I do not think. It is not even out yet. I mean, talk about being repetitious, it is something new.

Mr. Chairman: As long as you are not repetitious. But I am afraid once you get over a week on two votes you are going to be repetitious. You cannot help it.

Mrs. M. Renwick: Mr. Chairman, then I would ask you to say to every member who speaks the same thing you have said to me.

Mr. Chairman: I have said the same thing today. I have said this to one of our own hon. members, the member for Hamilton Mountain (Mr. J. R. Smith). I said today that he was repetitious and that the matter was already discussed a few days ago.

Mrs. M. Renwick: There is nothing repetitious, Mr. Chairman, about a brand new rental scale. It was not discussed two or three days ago. I will demand some order in a minute, Mr. Chairman, if you do not make sure that the trained seals on the other side of the room be quiet.

Interjections by hon. members.

Mrs. M. Renwick: I would like to ask the minister what the financial arrangement is between the Ontario Housing Corporation and Montreal Trust. The minister was kind enough to table an agreement between them. What is the cost per unit that the government pays to Montreal Trust for maintenance in Flemingdon Park?

Hon. Mr. Randall: You mean the part they are now operating? On the 524 suites in Flemingdon Park the annual fee is \$33,800 from May 1, 1969, to April 31, 1972.

Mrs. M. Renwick: Is that on a per-unit basis?

Hon. Mr. Randall: I would think it would be. Yes.

Mrs. M. Renwick: 524 units, how much per unit?

Hon. Mr. Randall: 524 into \$33,800, what is that? \$60?

Mrs. M. Renwick: Five dollars per month, Mr. Minister, per unit.

Hon. Mr. Randall: Roughly, I think, yes.

Mrs. M. Renwick: What sort of arrangement does the corporation have with the housing authorities for the same sort of care?

Hon. Mr. Randall: A similar agreement; similar figures.

Mrs. M. Renwick: Could I have the exact figures, Mr. Chairman? I believe it goes according to the size of the project.

Hon. Mr. Randall: We do not have them here. We would be glad to table all our agreements with the housing authorities for you.

Mrs. M. Renwick: All right, Mr. Chairman.

Hon. Mr. Randall: We have worked out an agreement with the trust companies on the basis of what we were already paying on the understanding, in many cases, they could do two things that perhaps could provide more efficient management under this basis at the same cost, or less. What we were getting on this unit here would be pretty well what you would see when we table the housing authority's agreement.

Mrs. M. Renwick: Did the minister get some sort of special arrangement drawn up in order that the rents of family benefits and general welfare recipients could be payable to Montreal Trust according to how they are filed under the Act rather than any rent geared to income scale?

Hon. Mr. Randall: The answer is no. We do not have any. Did you say, can we get them?

Mrs. M. Renwick: No, did you have to make a special agreement?

Hon. Mr. Randall: No.

Mrs. M. Renwick: Does Montreal Trust collect the rents and you charge them a fee for maintenance? Is there any resident maintenance there at all in that project?

Hon. Mr. Randall: Yes, there is.

Mrs. M. Renwick: There is now? Is that recent, could I ask?

Mr. Riggs: In the last six months.

Mrs. M. Renwick: Fine, because there has not been and it has been a severe problem. Can you tell me about the project at O'Connor and whether the backing up of the toilets there over the last couple of years has been

fixed. Regarding the \$30,000 that was allotted to do that, has the money changed hands and the work been done, or where do we stand on that problem?

Hon. Mr. Randall: Where is that building?

Mrs. M. Renwick: The O'Connor development.

Mr. Riggs: We do not have it.

Hon. Mr. Randall: I could not tell you, we would have to look into that.

Mrs. M. Renwick: The minister said before supper hour that Birchmount and Finch was bought by OHC?

Mr. P. R. Goyette (Ontario Housing Corporation): I think we are probably caught up in the semantics of it. The Ontario Housing Corporation bought the project from a developer although it was developed from scratch from the plans.

Mrs. M. Renwick: From the plans?

Mr. Goyette: It was not an existing building already up. We purchased it from the developer and bought it off him from the plans. He built it and we paid off the developer.

Mrs. M. Renwick: The release, Mr. Chairman, comes out as if it were an OHC project. The release says: "June 26, 1968. Two Ontario Housing Corporation projects will provide 460 units of housing in Scarborough." This is the project, the \$5,625,803 development at Finch and Birchmount for 239 units in a 12-storey apartment building and 120 units of rowhousing.

Hon. Mr. Randall: They are all projects.

Mrs. M. Renwick: But it was not an OHC project. It was one that you bought from Gaza Investments after they had planned it.

Hon. Mr. Randall: The plans are presented—

Mrs. M. Renwick: They did not plan it for you, but you bought from their plans?

Hon. Mr. Randall: We felt their plans were satisfactory. We bought from their plans and it was approved by Central Mortgage and Housing also.

Mrs. M. Renwick: What about recreation in that area, Mr. Chairman. Could I ask the minister what he is relying on there besides the church that is functioning?

Mr. Goyette: I suspect the little store would be a basis of recreation. There is a park within about 1½ blocks going into the old established subdivision. I do not have it memorized from the plans.

Mrs. M. Renwick: It seems to me, Mr. Chairman, that in that area the schools and the churches are taking on what really, for that many people, should be a planned recreation of the development because there just are not the facilities in the community there, more so than some other areas of Scarborough.

Hon. Mr. Randall: Too bad the churches will not take on a little more.

Mrs. M. Renwick: They are trying to, Mr. Chairman, in many areas, at least I notice from things that I go to. I think in this case there is just one church expected to do quite a lot and I just have a feeling that a 240-unit apartment building and a lot for small children to play in is going to be a severe problem. There is lots of open land there, Mr. Minister. If the minister would even look at acquiring some of the land in that area; you are in that area, and you might get some land reasonably for—

Hon. Mr. Randall: I am just suggesting to my colleagues that there are not sufficient recreation spaces. They should look at land that is available and we will do that.

Mrs. M. Renwick: Thank you, Mr. Minister. It is very nice to hear.

Mr. E. A. Winkler (Grey South): Mr. Chairman, may I ask the minister, if the religious groups participate in housing, either generally speaking or specifically, maybe within their own area—

Hon. Mr. Randall: The church organizations are very active with senior citizens particularly, but not so much in public housing as they are with senior citizens.

Mr. Winkler: How do they participate in such programmes?

Hon. Mr. Randall: They primarily participate in looking after the amenities in the recreation facilities, and things like that. There is the odd religious organization—for instance, the United Church at the corner of Dearbourne and Broadview Avenue was torn down and they have built a senior citizens' unit in there. The church itself has built it and it was financed through NHA and Central Mortgage and Housing and they got their so-much-per-suite rent.

Mrs. M. Renwick: Mr. Chairman, has the minister announced costs and when the first housing will be available in Malvern. Are the prices set for that housing yet?

Hon. Mr. Randall: No, the prices have not been set for Malvern. We hope to have some houses started in 1971.

Mrs. M. Renwick: But no prices set yet?

Hon. Mr. Randall: No prices, but the ones we have built in Malvern will be under the HOME guidelines of \$15,000, \$16,000 and \$17,000 and the land sold at our cost.

Mrs. M. Renwick: Would the minister state why there is not a Toronto housing authority? How many housing authorities has the minister got in the province—140?

Hon. Mr. Randall: We have 41 and there has not been any created since 1965.

Mrs. M. Renwick: Would the minister not see that perhaps Toronto or Metro Toronto should perhaps be operating as a housing authority?

Hon. Mr. Randall: We were asked, of course, to take it over in the city here because of the multitude of problems they have been running into. I do not think appointing a housing authority here is the answer to solving some of the local problems. I think we could solve them better from main office than we can by having a housing authority.

Mrs. M. Renwick: I realize, Mr. Chairman, that the minister was quite right and the way it worked out was that the city of Toronto did, in fact, ask OHC to take over housing in the area. But since then it has become fairly evident that the problem of maintenance, the problem of getting units filled, the problems of recreation and so on are all going on at University Avenue without the municipality involved.

I realize that prior to the Ontario Housing Corporation taking over the Toronto housing authority that there were many criticisms coming out of the authority about shortage of housing and so on. But I wonder if the minister is aware—he probably is and I would be interested in his remarks—of the fact that the special committee on poverty of the city of Toronto has requested the city to return to the field of housing and that members of the Toronto housing authority were reappointed by city council on March 4, 1970, to administer a nonexistent stock of housing.

Mr. Chairman: I would like to say to the minister—I will not read all of this brief, but

I think it is a brief that almost everyone should read if they could. It is the brief of Robert Bradley in March, 1970, who goes through the growth of housing in Toronto. He goes through the area of how it was first placed with the Regent Park development, the limited dividend development of Moss Park, with the transfer over.

I think, Mr. Chairman, I will put this brief on the record and then I think I will wind up my remarks for this particular time.

Mr. Chairman: Why do you not just table it?

Mrs. M. Renwick: No, I think, Mr. Chairman, this is something that people should realize has happened here and should take an interest in. March 31, 1970:

TORONTO'S CHANGING ROLE IN HOUSING:

The city of Toronto has played a major and historic role in the development of urban renewal and public housing programmes in Canada. Regent Park North was first given serious consideration as an area for redevelopment in March, 1934, when the Honourable Dr. H. A. Bruce, then Lieutenant-Governor of Ontario, in speaking at the centennial celebration of Toronto, warned the city that it had acquired "inevitable slum districts—areas of misery and degradation which exert unhappy environmental influence on many of our citizens."

Arising from these remarks, a committee was set up to inquire into housing conditions in several areas of the city with special reference to:

1. The quality of accommodation.
2. Rental paid by tenants.
3. The environmental conditions.

The report of this committee (popularly called the Bruce report) laid bare, over 36 years ago this month, the facts of urban life, particularly as related to housing and community planning.

Although this report provided great momentum to the activities of civic-minded groups whose goal had long been a redevelopment of substandard residential areas, their educational campaign bore little fruit until 1943 when a master plan for Toronto was prepared by the city planning board. The annual report of the 1943 planning board recommended that the area now known as Regent Park North, being that section of the city from Dundas Street to Gerrard Street East, between Parliament Street and River Street, as the first specific areas to be redeveloped.

Although the Dominion government had endeavoured to relieve the acute housing situation by construction of wartime houses and by assisting municipalities in the conversion of large houses and other buildings to multi-unit houses, it was not until 1944 that legislation was passed which permitted its participation in a project such as Regent Park North. In that year, The National Housing Act was approved by Parliament to set in motion Canada's first urban renewal programme, Regent Park North.

With the provisions thus being made for assistance from the federal government, the citizen groups redoubled their efforts for a redevelopment programme, studies were made, a housing committee appointed by the city of Toronto council and the newly constituted Toronto city planning board, like its predecessor, fully aware of the urgent need for rental housing, explored the situation thoroughly.

The matter of participation in urban renewal and housing was presented formally to the city council for consideration on November 25, 1946. Council passed bylaw 16763 to provide for the question of clearance and rehabilitation of the area of Regent Park North to a vote of the electors at municipal election. On January 1, 1947, by a vote of five to three, the electors of the city of Toronto decided that the redevelopment should proceed. Special legislation was applied for to set up the housing authority of Toronto to administer and maintain the first public housing programme in Canada.

Toronto became a leader in the field of public housing, introducing many innovative programmes, such as a housing registry for applications for rental accommodation, rent supplement programme, emergency housing hostels, diminishing family housing as single-unit accommodation for older parents, when children have left the family and the parents must seek other accommodation on a limited income, senior citizen housing in the community and limited dividend housing.

The city of Toronto is responsible for the renewal of Moss Park area in 1963 and set up the Toronto limited dividend housing corporation to administer and maintain the Moss Park project, which is the largest limited dividend project in Canada, (903 units), as well as seven other projects throughout the city of Toronto.

The housing shortage in the city of Toronto became fairly evident in the early

1960s and reached crisis proportions in 1967 and 1968. During 1967, the housing authority of Toronto was required to set up a family hostel in an officers' mess at 87 Richmond Street East to cope with the number of families rendered homeless through evictions, private renewal and transients entering the city looking for employment. The city of Toronto council decided they wanted to get out of the housing programme in November of 1968 and relinquished their responsibilities to a willing taker in the Ontario Housing Corporation. The takeover of the Toronto housing authority caused considerable attention during the last month of 1968, which was climaxed by a protest march of hundreds of Regent Park North residents to city hall with a petition containing 1,500 names, requesting the city to maintain its interest in housing.

The city council, however, approved the takeover by the OHC in November of 1968, thus terminating 20 years of leadership in the field of public housing and transferring their responsibilities in housing onto the senior level of government, OHC.

The tenants of the Toronto housing authority have encountered problems with the administration of the OHC and have voiced their dissatisfaction on many occasions to the local city council who can now say, "We are not responsible for housing any longer, please contact the OHC."

A march was made recently to the OHC office to protest the lack of maintenance and further demonstrations are being considered to bring to the attention of the OHC their concern for the community they consider their home. It is interesting to read this week, that a recommendation from the special committee on poverty of city council, requests the city to return to the field of housing. Members of the Toronto housing authority were reappointed by city council on March 4, 1970, to administer a non-existing stock of housing.

It is very difficult to reconstruct a housing programme that took the city of Toronto 20 years to build up and to regain its position of responsibility for housing in the community.

I support the recommendation of the poverty committee that the city should have a role in housing for low-income families, but maybe this role could be played in a different way and would achieve the same goal. The present administration of public

housing in the Metro Toronto area is being carried out by the Ontario Housing Corporation. The Metro Toronto area is the only large urban city in North America that does not have a housing authority to carry out the administration and maintenance of their local public housing units.

Why has the Metro Toronto area been overlooked in this very vital and important function of the public housing programme? The reason could be that the re-establishment of a Metro Toronto housing authority, similar to the Metro housing authority of 1962, could reduce the power and control of the OHC in the Metro Toronto area. The rationale for dissolving the Metro Toronto housing authority in 1962, when they were becoming a very influential agency in housing and also outspoken about the lack of housing in Metro Toronto was, according to the provincial government, the fact that the Ontario Housing Corporation board of governors were based in Metro Toronto so they could take over the required duties of administering the Metro Toronto units—approximately 12,000—along with their duties to the other 44 housing authorities in Ontario.

It is quite obvious, if one visits the many OHC projects in Metro Toronto, that the administration and interest in the residents cannot possibly be handled by a board of directors responsible for the public housing programme for the province of Ontario. It is therefore logical that the Metro Toronto housing authority be reconstituted by the federal, provincial and Metro governments to be responsible for:

- (1) The maintenance, operation and administration of all public housing units constructed and owned by the Ontario Housing Corporation.

- (2) The operation and management of a housing registry which can provide information readily to applicants on the position of their application at any time.

- (3) The relocation of families living in areas scheduled for redevelopment.

- (4) To provide the senior levels of government with advice and information on all public housing policies and to investigate special projects.

- (5) To maintain a close liaison with the community and to administer to the recreation and social needs of the project.

- (6) To provide all Metro Toronto boroughs with information regarding acquisition of properties and construction of buildings in order they may plan accordingly

for required schooling accommodation and other community services.

The composition of a Metro Toronto housing authority is the most important factor of all and if not representative of the people in the community, could be a disaster. The housing authority should include a member appointed from each borough, as well as public spirited members from Metro who have shown an interest in the community. It is also vital that a member representing the tenants be appointed to the authority.

The housing needs in 1970 of the residents in the city of Toronto can hardly be separated from the needs of people in the other boroughs of Metro. It is therefore my conclusion after spending some six years administering housing in the confines of a Toronto geographic boundary, that to be successful, we must rely on all the resources of the Metro Toronto area.

The establishment of such a Metro Toronto housing authority would fulfil the needs of the city of Toronto to be involved in housing, provide the representation to the boroughs of Metro, who have in the past had very little to say in the planning of administration of public housing in their borough and finally, give a voice to the forgotten person, the resident in a public housing project.

Now, Mr. Chairman, I would like to make three comments on this brief from Robert Bradley, March, 1970.

First of all, who is Robert Bradley? He is, for one thing, a Conservative candidate in the last election. So therefore I have crossed party lines and everything else in order to try to bring the management of housing in the Metro area down to a more manageable size than being managed by a board of directors of OHC.

Second, Mr. Bradley refers to a registry that can give information to applicants readily. Now, I realize that the minister has used this year, the same as a couple of years ago, the story about the person arriving at OHC with a pop bottle in one hand and going after the people. I say again to the minister what I said before: this is not everybody, by any means. It is hardly a fair, representative, example of what really happens when people get frustrated about where they are on a waiting list and what is happening to them.

The minister has said that a public waiting list is not important—that the men and women from OHC have said, “We do not really have

a waiting list.” I am looking for a letter here which states that a waiting list system “would be practical.” It is a letter signed by Mrs. Meredith to someone in Peterborough—from the organized group there—but it states in the letter, Mr. Chairman, that “a regular waiting list system would not be practical, because we have more than one kind of group of people to deal with. We have the urgent cases and we have the regular list.”

So, Mr. Chairman, the simple answer to me is that you have two kinds of application then at your public housing registry. You have the urgent ones that have the extra acceleration to get them placed, and then you have the regular waiting list for people who are just trying to get into something better than they have got, or a lower rent than they have got, but not in a desperate situation.

Mr. Bradley has also pointed out the need of people from the community that this organization serves to be represented in some small way. I think one member, as he said, was too small. But I think that you are dealing with people who can sit down and talk to you for hours about the project within which they are trying to live, rear a family, give some meaningfulness to their lives. Just now we are getting on to some form of tenant relations activity; that is still not good enough. The place where some of these people have to be is where some of the decisions are made or exposed.

I have this much confidence, Mr. Chairman, in the hon. minister; that, in dealing with people—and he has dealt with the Guelph group this way—he deals with them, basically, openly, fairly and strongly. I am concerned about the philosophy with which he has to deal, because I am not certain that it is his party's philosophy to have public housing at all. That makes it very difficult for him to do public housing the way he can do trade and development.

I do believe that if the minister had a housing authority in Toronto he could break up some of the very things that the chairman of the board mentioned to me in the Finch and Birchmont development: “We grew too fast. Like Topsy, we just grew,” and they must be reading this book, Mr. Chairman. The minister said today that if he had Uncle Tom's cabin, they would rent it tomorrow.

I think, Mr. Chairman, that what has to happen now, from what I see, living in Metro Toronto and dealing with OHC prob-

lems and so on, it has got to be decentralized in some way. If it could be decentralized into a Metro authority that was then decentralized into a borough authority, it would not be just the old adversary of some of the people in OHC, Mr. Robert Bradley, it would be a decentralization of the 12,000 units around us.

I would ask the minister to give it very serious consideration, that it might—the minister nods his head affirmatively. I would like him to say, “Yes, I will,” because I think it is the only thing that is going to break down the problems that the individual family is facing now at the project level.

Hon. Mr. Randall: Let me say you must remember that the merger of Toronto Housing Limited with Ontario Housing Corporation was not initiated by us. It was initiated by the city fathers of Toronto, including Mayor Dennison. The people in Toronto were losing \$1 million a year because they could not take advantage of the subsidies of the provincial and federal governments. As it is now, Toronto pays about, I think, \$3,500 a year, as it pays its share of contributions—the 7.5 per cent charge to the municipality. It does not matter now whether they live in Toronto, most of the people to be housed can be housed in any one of the other five boroughs whereas, if you have a housing authority, you have got to stick with the city of Toronto.

Mrs. M. Renwick: Not with a Metro housing authority.

Hon. Mr. Randall: So we have Metro welfare and housing and we report to them four times a year. They are certainly after us every day in the week. They are getting reports as to what we are doing. We have maintenance trucks today moving around like we have never had before. Services are now underground. We do not have a central depot for services. They are getting better service and you talked about 12,000 units to take over. I do not know where that figure came from but we took over a total of 5,380 units of which 2,761 were Mr. Bradley's group and the rest were by the Metro housing authority.

Mrs. M. Renwick: That would be the units in Metro Toronto—

Hon. Mr. Randall: This is what we took over and we have built since then roughly 16,955 units.

Mrs. M. Renwick: In Metro?

Hon. Mr. Randall: Yes. Is that right in Metro? Under construction or built—16,955? In no way could the city of Toronto do that. I just want to say to you if they formed a housing authority and we recognized a head or at least a new housing group, if they want to get back in housing, I would be delighted to pass on the responsibility to them. I think that would be the end of housing here because since we took over from Mr. Bradley, there have been a number of changes that had to be made and over \$200,00 spent in maintenance to bring these properties up to date because the maintenance on those was falling apart and in very bad shape. The rents had to be adjusted upward and downward. Some people were paying too much; some were not paying enough. There were many things that we found out with reference to the Toronto housing authorities. All I want to say is that—

Mrs. M. Renwick: Well, the rents—

Hon. Mr. Randall: I get tired of looking at reports and hearing everybody making comments of what you would do if you had the opportunity. We have reports coming out of our ears. I say instead of building houses with reports, we build them with bricks and mortar and we have got the people housed. We are still trying to house people at a faster rate than any other jurisdiction. I do not think that could be done by any other group but the Ontario Housing Corporation. If it can, we are quite prepared to step aside and let anybody take a crack at it.

Mrs. M. Renwick: Mr. Chairman, can the minister conceive that the corporation could be the developers of the housing and that it could be administered and managed on a more manageable basis than receiving 15,000 applications down at University Avenue, for instance? It could be broken up into communities. You could go to a place in Scarborough where you would file an application. Or you could go to an area other than just this one central area. For such a huge operation it seems just almost totally impractical just on sight. I mean, it gets so top heavy and—

Hon. Mr. Randall: I do not think so.

Mrs. M. Renwick: I just do not think you are going to get the kind of quality that everyone is fighting for when it is being handled on such a large basis unless it is broken down to where each area takes some responsibility for it.

Hon. Mr. Randall: It could be just as confusing having a number of places than having one central area to get your information from. As you know, come November 1 we will be moving to a new building on Bloor Street and I am taking a hand in laying that out on a basis that the information that we are now giving will be improved very considerably.

For instance, we have that centrex system down there which is doing an excellent job and I think we should have two of them. There is not room to put them down at 188 University Avenue. As soon as Public Works provides this building on Bloor Street—

Mrs. Mr Renwick: This is for the maintenance, the centrex system?

Hon. Mr. Randall: Pardon?

Mrs. M. Renwick: The centrex system, is that for the maintenance?

Hon. Mr. Randall: For maintenance, I believe, and also for application information, so that the minute people phone in they get the information within two minutes. I think we can step up our service to the people and still control the operation from one point. If we cannot, we are quite prepared to look at any suggestions anybody has. We have no patents on all the ideas. Believe me, in the housing field I do not think anybody has any patents. We think ours is working as well as, if not better than, most jurisdictions.

Mrs. M. Renwick: How many lines have we got to placement now, and how many people do we have working on them?

Hon. Mr. Randall: How many lines do we have there, do you know off hand?

Mr. Riggs: We have eight lines at the present time and we are hoping to install two additional lines.

Mrs. M. Renwick: So you will have 12 lines.

Mr. Riggs: I mean 10.

Mrs. M. Renwick: Do you have 10 placement officers?

Mrs. Meredith: No, this is for inquiries calling in. Then they are sent through to the placement officers.

Mrs. M. Renwick: How many lines then are there to direct placement?

Mrs. Meredith: Fourteen altogether, not counting my own.

Mrs. M. Renwick: That is quite a significant improvement over the last couple of years.

Mrs. Meredith: No, that has been in about a year.

Mrs. M. Renwick: A couple of years ago it was three lines to one person, for 12,000 to 15,000 applications. That was just not doing the job. It was doing the job for the number of units, Mr. Chairman, but not for applications.

Votes 2209 and 2210 agreed to.

Mr. Chairman: The next two votes are 2211 and 2212, having to do with the Ontario Student Housing Corporation. I think we could take them both together, could we not, Mr. Minister?

Hon. Mr. Randall: Yes.

Mr. Chairman: I might point out, too, that there is a mistake in addition here. If you look in the last vote there—2212—it should be \$149,941, instead of \$157,064. There is a mistake in addition there. I do not know whether you noticed that or not.

Hon. Mr. Randall: If you look on page 165 where it shows the index \$149,941, is the correct figure—when it came back from the Treasury Board somebody overlooked it. They put the old figure in. That is how it shows up.

Mr. Chairman: Does anyone have any comment, on that vote. Carried. Well, I called the vote. If you have any comments, fine and dandy. The hon. member for Peterborough.

Mr. W. G. Pitman (Peterborough): Mr. Chairman, rather than make any extended comment, I would like just to chat with the minister about student housing and where we stand. Last year we were in some difficulty. In fact, I think the minister himself said we were having difficulty, as you can appreciate, finding sufficient funds to finance these projects.

Last year he indicated that he was concerned that there was no further money available for student housing from Ottawa. Can he tell us where we stand now in relation to student housing?

Hon. Mr. Randall: Yes. Going back to 1964 we had—

Mr. Pitman: 1964?

Hon. Mr. Randall: Yes, 1964, then we had \$10.1 million. In 1967 they gave us \$43.4 million, 1968 43.9 million.

Mr. Pitman: You are talking about 1966?

Hon. Mr. Randall: 1968, \$43.9 million. In 1969, \$20.5 million and 1970, \$10 million.

Mr. Pitman: Can you tell me how many actual students you can accommodate for, let us just take 1968, 1969 and 1970? How many student places were you able to provide?

Hon. Mr. Randall: In 1968 there was 1,410, in 1969 there was 4,460, in 1970 there was 2,456 and with the projects now started, we estimate there will be 2,094 for a total of 10,420 since 1968.

Mr. Pitman: Yes, but the thing which disconcerts me very greatly Mr. Minister, is the fact that the number of student units is actually decreasing each year. It goes from 1,410 in 1968 down to 1971. But the number of students is going up markedly during those years. In other words, you have got one curve coming down and the other one going up. This is a pretty serious problem.

What you are really saying is that you have not been able to solve the Ottawa problem then.

Hon. Mr. Randall: No, the difficulty is strictly money.

Mr. Pitman: When does the minister hope that possibly Ottawa is going to do something about this?

Hon. Mr. Randall: I do not know. They gave it less priority and you recall this happened last July when they finally said they had run out of money for student housing, and the projects we had on the boards and the commitments we had left us in rather a very—

Mr. Pitman: You had 4,000 on the boards last year you said in your estimates.

Hon. Mr. Randall: —difficult situation. Mr. Coyette tells me now in their latest discussion they are doing a study now on student housing.

Mr. Pitman: Who is doing a study, Mr. Minister?

Hon. Mr. Randall: Ottawa. So I would be inclined to believe that there is going to be some encouragement to go ahead with student housing. In fact, as far as we are concerned

we think there should be an immediate go-ahead on student housing.

Mr. Pitman: Well, could I ask you, what do you do in this case? Are you making representations to Ottawa? Are you making it very clear that this is a desperate problem? I do not know if the minister has read the—well, really, it was a presentation made by Queen's University to the committee on university affairs. I am not going to read it, but it is a rather interesting document, and it covers the full activity of Queen's University.

The first two or three pages of that document were concerned not with academic problems. They were not concerned with the problems of research or the problems of teachers or the problems of the basic income unit of student or the problems of money for any of the fantastic spectrum of activities that go on in university.

The one thing they were saying was this: That we will not be able to add one single student at Queen's University unless we can find a resident place for that student. We have gone as far as we can in injecting students into the community of Kingston. Kingston can no longer support another student. For one thing, it is disrupting the entire community. Older people are virtually being driven from the lodgings that they have been able to find.

I am wondering if this kind of information is being made available in as dramatic a way as the minister can. What I am really saying is, is the minister sufficiently interested in this because it is an educational problem rather than a housing problem, insofar as the minister is concerned? What are you doing to convince Ottawa that really we may very well be reaching the point where the academic programmes at universities are going to be very deleteriously affected unless something is done about student housing?

Hon. Mr. Randall: Let me assure the hon. member that we have done everything we can do from the Ontario Housing Corporation standpoint to the student housing corporation. The deputy Minister of University Affairs has been to Ottawa with our people on a number of occasions and Ottawa just says it has not got the priority that public housing of senior citizens has. That is it.

Mr. Pitman: For student housing?

Hon. Mr. Randall: Yes. We agree with you that there is a great need for student housing, that it would relieve the pressure perhaps in some of the homes—

Mr. Pitman: Exactly.

Hon. Mr. Randall: That is right. As you recall, when we were talking about student housing here—I guess it was last year—we had plans for, I think, roughly 14,000 student units between that time and the end of 1970. When they shut off the money, there were just not the funds to commit ourselves to that programme.

Mr. Pitman: What would you say is the short-fall? What is the project of student accommodation which the universities have indicated to you would be optional, would be in their best interests? How far off are we?

Hon. Mr. Randall: It looks about 3,071 and 5,072 right now would be a short-fall.

Mr. Pitman: Short-fall? You have got 2,070, 2,336?

Hon. Mr. Randall: Three thousand.

Mr. Pitman: And you have 3,000 that will be short-fall? Or would the short fall—

Hon. Mr. Randall: Oh, no. There are 3,000 in 1971 and about 5,000 in 1972. And if those units are not built that will be the short-fall, as you just asked me. That is going to be the requirement from a survey that the universities themselves took as to what they required.

Mr. Pitman: And is there really no hope that you are going to be able to —

Hon. Mr. Randall: I think one of the first things that you recall reading in the task force report, one of the first things that Mr. Hellyer suggested was to cut our student housing right now and give them public housing.

Mr. Pitman: Yes, I know.

Hon. Mr. Randall: Then we cut out public housing because they did not want high-rise. Then we cut out townhousing because everybody had a back and a front door and room for the kids to play. Well, this thing finally caught up with us. It was almost a year there that we got out of housing. We did not dig any holes so you do not have any completions, and the same thing goes for student housing.

Mr. Pitman: Surely the minister has some kind of an alternative plan. Let us assume that the government in Ottawa does not come through with anything, that they are just as

recalcitrant as they have been in the past. Do you have any kind of a programme for Ontario which will allow this priority to be comprehended? What is the answer?

Hon. Mr. Randall: There is only one answer. That is for the province of Ontario to put up all the money and go ahead. We are doing that, as we have done that in land accumulation. How far can you go when Ottawa continued withdrawing and leaving the province to go ahead and run its own show?

Mr. Pitman: Is Ottawa taking the view that education is your responsibility?

Hon. Mr. Randall: I do not know. I do not think so. I think they are probably taking the view that the accommodation for students is our responsibility, but on a temporary basis, and as I say they are back on the market so we have to cut our cloth accordingly.

Mr. Pitman: I think that really the debate on this estimate has become pretty —

Hon. Mr. Randall: I know, it is quite —

Mr. Pitman: Pointless.

Hon. Mr. Randall: Well, it is pointless, unless there is money here. I agree with you. And I can assure you we have made representation. I talked to Mr. Andras himself at great lengths about the need for student housing, and I agree with you. I do not know how you are going to house the students unless there is accommodation or unless somebody again goes into the matter of building accommodation for students on a co-operative basis. That has been pretty costly in the past.

As you know some of the cost factors have been away out of line and we were getting a good cost factor all the way through and could have provided the student housing, and I think we would have caught up each year with the need for student housing with the projection we get from University Affairs as to how many units are going to be required, on and off campus. We could have caught up with it. But when the banker says no dice you just cannot do it.

Mr. Pitman: I think it is becoming a matter of very real concern on university campuses.

Hon. Mr. Randall: I hope the universities will take the time out to write Mr. Andras too, and point out —

Mr. Pitman: I put it very bluntly to you: I would wonder why The Department for

University Affairs and your department do not put more pressure on the universities to take some action, because they are essentially the ones who are basically responsible at least for making the projections and it is their academic programmes which are going to be undermined and destroyed. We have been very lucky — well now, we have not been very lucky; we have been fortunate, let us put it that way — in this jurisdiction. We have not had any real student riots. We have not had the kind of troubles they have had in many parts of the United States, and one of the major reasons they have had some of these riots and difficulties is because of the nature of the student housing that they have in these jurisdictions.

Hon. Mr. Randall: I would suggest that you look at the student housing built up here at Charles and Yonge. How quickly that went up! Those units were finished almost overnight. The same in Guelph, the same in London. It did not take long to put them up once they gave us the go-ahead, because student housing is like senior citizens' housing; it is very simple to build. It is a lot easier to build and house the students than it is to build public housing. That was a programme in my estimation with a longer planning on the part of the federal authorities. Maybe by spreading out their money a little bit, we could have continued with the programme of student housing instead of bringing it to a halt. I do not think you gain anything in construction if the need is there, to bring it to a halt and say we are going to have a look-see and write another report. You do not fill units with a report, and you do not house students.

Mr. Pitman: Exactly.

Hon. Mr. Randall: I get impatient. Everybody says we are going to stop and get a report. Well, the report comes out like the Hellyer report. We have not solved anything. I do not think, with the task force report. The task force just stopped digging holes for a year. We did not have completions. We are right back in building high-rise apartments. Mr. Andras is building one direct at the corner of Victoria Park and Danforth. What is it — 18 or 20 stories for families without children, or single people? It is still high-rise and you have got to recognize it.

In urban areas, with the land cost the way it is, if you are not going to look at those kind of areas — I do not say you need them for families. We can get the families in the

outer areas, but a lot of adult families can live in high-rise and enjoy it, like students. I think they are happy. One of the happiest places we have is Charles Street. The students there are close to university, and they enjoy living there. Those buildings are an asset to the city of Toronto, just the same as the senior citizens' units they are building right across from Eaton's College Street store. There is a place to build senior citizens' units.

So we are encouraged to believe that the federal authorities should take a second look at this, and in the conversations we have had, we are hoping that they will look at it pretty soon so we can get started.

Mr. Pitman: I think we are right back to this whole question. Perhaps it is the question Margaret Mead was talking about last week when she was in Toronto. I could not help thinking of student housing when she mentioned this: that we are using student housing as one of these economic keys for turning the economy on and off, and right now the assumption is that with inflation we can turn it off by not doing this kind of building. It is absolutely stupid.

As long as you have a projection of students rising we have got to consider student housing and putting students in places where they can study and carry on their work in an effective way. There is nothing more pointless than spending a great deal of money on students and supporting a university — on the academic buildings, on professors' salaries — and then making it impossible for them to carry on their functions effectively, because you have not got decent housing.

To what extent, during this period of pause you might say, has there been more study of the different kinds of student housing? I agree, I have gone over to see that student housing on Charles Street. It is very good. But it seemed to me that what we are beginning to realize in many jurisdictions is that there has to be a great variety of different kinds of student housing, not just married and unmarried, but mixed and un-mixed, student housing for different kinds of students.

To what extent has there been any thought about two things: the problem of variety of student housing, and also the various methods by which the students can be part of the input? I know the minister says the universities are responsible in a sense for that, but to what extent is the minister encouraging universities to give greater input into this area of student involvement in the housing process?

Hon. Mr. Randall: I think in all the buildings that we are setting up, where they are managed by the universities—as you know, on the universities they manage them, right?

Mr. Pitman: Right!

Hon. Mr. Randall: —and off the campus they are managed by a management team appointed by the Ontario Student Housing Corporation, and I think you are finding the same thing will apply there that applies in our tenant unit groups. We welcome participation of students; as I say, we have a committee of students that meets with our group plus the Ontario Student Housing Corporation. So they are participating, and I think you get some good participation, because we recognize that we get to know the needs of the students and I think we can build to those needs. Perhaps we can build a lot more efficiently by using the students themselves to give us the advice that we require when we are in there, say, on a part-time residence.

One of the things I think you have to remember is that if they are going to build student residences in a city like Toronto, and they want to get them close to universities in order that they do not spend a half day going and coming, then you have to go high-rise—even if they have families, you have to go high-rise, unless somebody wants to write off the cost of land at the corner of Charles and Yonge here. But if you get into an area like London, Peterborough or Kingston, you can build on campus because it is not too far away from the university and a bus or a streetcar or whatever will get them there quickly. And, for faculty members or students with small families, as you suggest, you can get into the town house type of accommodation where land cost, of course, is not as great as they are in the urban areas.

In a city like Toronto, however, I think you have to recognize that if the student wants to go into student accommodation, he has to go high-rise. And we have to build in more amenities, recognizing that they are going to spend at least most of the year there, except when the university is closed and they go away for the summer; maybe some of them do. Some of them take other jobs. It really is year-round accommodation for many of the faculty members anyway.

Mr. Pitman: To what extent has the housing corporation considered looking to private enterprise, in a sense, to carry on some of this? One of the things that does sway some of the universities is that there is a degree

of student housing going up, but it is perhaps of the worst kind, in the sense that it is being put up by entrepreneurs who are mainly out to make a buck and do not really care very much whether there are amenities or whether there are common rooms or whether there is a place for students to sit and talk or whether there are any study rooms or anything that is academic at all; they are simply out to make a fast dollar.

To what extent has the Ontario Student Housing Corporation considered the possibility of involving private enterprise to improve the kind of student housing which we have?

Hon. Mr. Randall: I think Mr. Goyette can make a comment here.

Mr. Goyette: I think it is more than just a private building going up. Before a building goes up, it is studied by what we call the users' committee of the university, members of the faculty. We actually hire consultants and architects, apart from our architectural staff, to have some input into the thing, and there is an actual specification concept written, which is really a result of the best judgements of the university people of what they think for that particular point of time.

So, in summary, we do put together a concept of what that university wants. For example, in your own area, Lady Eaton College and Trent wanted to mesh the two together and not have something too separate. In Windsor, they would like to try something with four or five students in an apartment, studying in part of the apartment and living in the other half of it. I think everybody is searching for what is the best; indeed there is some concern as to whether the typical institutional type of thing is really the kind of stuff that students will want. We are finding many things in the traditional building—simple things like your mechanical equipment or your pumps down in the basement—that are very good but when you have them down there, it is quite conceivable they transmit noise up a wall. Somebody studying at two o'clock in the morning is a different kind of resident and tenant from somebody watching TV. I think that kind of thing, through experience, is being worked out.

Mr. Pitman: Could I ask the minister, or Mr. Goyette, whether anything has gone further on the cost control management approach, rather than the builder proposal approach which you were toying with last year?

Hon. Mr. Randall: What kind of control?

Mr. Pitman: Cost control management approach, which you were toying with last year in place of the builder proposal. There has been a suggestion that you might get better value for your money with the former; that you would, indeed, get a higher standard of construction company involved; and, with that, longer-lasting student residences and generally a higher standard.

Hon. Mr. Randall: That was discussed last year.

Mr. Goyette: Yes, the closest we came to that was, indeed, with Trent University. We agreed we might try something there on an experimental basis but they have chosen to go ahead on their own.

Mr. Pitman: What do you think of that general approach as an approach to student housing?

Mr. Goyette: Just off the top of my head, I am not convinced the arguments put forward necessarily make it better than that which we have now. You run into the problem that it is not too difficult getting a consultant or an architect, but which builder will you choose? There is a difficulty, if you are going to have a team of a builder with an architectural consultant who will put the thing together for you and proceed. I think that is one of the—

Mr. Pitman: What do you mean?

Mr. Goyette: Part of the idea is that apart from having the traditional method of an architect drawing plans and sending them out for tender, you would join the talents of the architectural profession with some form of management consultant—a control estimator type of person, whatever you want to call them—who more than likely is an experienced builder. He brings the concept of the architect and the practicality of the project together and says that is how we can do it and keep the cost down.

I think the results of some modest studies we have done—we have even had some outside people take a look at it—are that, really, when the chips are down that the cost would likely be up. Indeed, you run into fees right off the bat to start with. Therefore, there would have to be some corresponding saving.

There is the question, too, of bringing together the appropriate subtrades into a project. One general contractor doing it this way can choose the various subs he wants,

which may be a team that has been working together. If you have the private management type of person, he then is calling on your behalf and having to employ them. You may very well have a lack of compatibility between two groups.

Just to give it off the top of my head, we are not convinced that the arguments coming forward are suggestive of change. Further, we have talked with the architectural institute about it; we have been on panels; we have talked with builders. Indeed we are seeking and searching—is there a better way?—and at the moment it has not really come out.

Mr. Pitman: On the other side of that, there has been a suggestion that the builder proposal method brings you—it encourages people to cheapen and to really try to cut off their subtrades and to cut down on the contracts they are giving to these people. But you feel you are achieving a high enough degree of quality control?

Mr. Goyette: Yes, within the disciplines of cost. We must review again that one of the purposes of the role of the Ontario Student Housing Corporation was to do something to get the per-bed cost down.

Mr. Pitman: Right.

Mr. Goyette: And you remember we had some down to \$4,000 and \$3,000, where it had been up as high as \$13,000 in one particular place. Now it is all we can do to maintain that price somewhere around \$6,000 or \$6,200.

Mr. Pitman: Mr. Chairman, I am not going to prolong this estimate. I think probably we should all go up to Ottawa and make our views known.

Hon. Mr. Randall: I would be glad to take you along. I could use a good salesman.

Mr. Pitman: I would be very glad to come along any time at all. I am sure I would be very helpful.

Hon. Mr. Randall: If Bob Andras comes down here, which he may in the not too distant future, perhaps we could get a few of you fellows to join us some night for a quiet dinner.

Mr. Pitman: You are paying for the dinner, are you?

Hon. Mr. Randall: I will be glad to pick up the check.

Mr. Pitman: All right. May I just ask you in closing, whether you have a representative on the commission on post-secondary education? There is a commission going on looking at the whole area of post-secondary education. It seemed to me that student housing should have some kind of input there and I do not think you do have. This is Dr. Wright's committee.

Hon. Mr. Randall: I would think, if we had it, it would be through University Affairs, would it not?

Mr. Pitman: May I suggest to you that you make a very strong representation to that commission on the importance of student housing in relation to post-secondary education? I think this is an extremely significant area in the success of an academic programme. Perhaps I am over-reacting in this area but I have been associated with institutions with regard to the accommodation of students as being almost as important as—the library and the professors. I want to suggest to you, you might say the life style of the student during his years at university is extremely important and the housing he lives in is an extremely important aspect of that life style.

I want to say, as I said last year, as I have travelled around the various universities, I do not think we have any reason for any shame for the kind of student housing we are putting up. But I think it behooves us not to stand back, because this is an area that is moving very quickly.

Mr. Goyette has indicated in his remarks there is a great deal of sophisticated thought going on in regard to student housing, demanding a greater variety and a greater understanding and sensitivity to student problems and to the different kinds of stu-

dents who inhabit your various post-secondary institutions.

Has there been any development in the student housing interrelation of colleges of applied arts and technology, or is it entirely in the area of universities that the student housing corporation has been associated?

Hon. Mr. Randall: I did not get that question.

Mr. Pitman: I am sorry. Has there been any housing associated with colleges of applied arts and technology?

Hon. Mr. Randall: Not that I know of.

Mr. Pitman: Is this a possibility?

Mr. Goyette: Yes, it is quite possible in places like Cambrian and any of those — the word is post-secondary education

Mr. Pitman: Yes, fine.

That is all I have, Mr. Chairman.

Mr. Chairman: Votes 2211, 2212 carried?

Mr. R. F. Ruston (Essex-Kent): Mr. Chairman, I have just a few questions. I have been up on our other estimates. I think someone mentioned mobile homes. Is there any possibility —

Mr. Chairman: I am sorry, but the vote on mobile homes has been carried.

Mr. Ruston: Oh, I see.

Votes 2211 and 2212 agreed to.

Mr. Chairman: This completes the estimates of The Department of Trade and Development.

The committee adjourned at 9:35 o'clock, p.m.

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STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 4, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 4, 1970

The committee met at 3:40 o'clock p.m. in Committee Room No. 1. Mr. A. K. Meen in the Chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND THE ATTORNEY GENERAL

Mr. Chairman: Gentlemen, to begin with, I think perhaps we should establish the times and the dates when we will be sitting. I had in mind 3:30 to 6:00 p.m. and 8:00 until 10:30 p.m. on each of the days on which the House is sitting.

There had been some other talk about our utilizing the usual Tuesday and Thursday mornings which this legal bills committee has followed, but it seemed to me, at any rate, that a total of five hours each day with the other responsibilities that the members have and that the Attorney General has would probably be more than enough. With your approval, and for the benefit of the public as well as for the committee, I think it would be well if we establish this and try to stick to it as best we can; the 3:30 to 6:00 p.m. and the 8:00 to 10:30 p.m. on the days and evenings when the House is in session.

Mr. V. M. Singer (Downsview): Excluding Friday?

Mr. Chairman: Yes, that would exclude Friday and Wednesday nights, and any other time when the House is not sitting.

Mr. M. Shulman (High Park): Would we be sitting before lunch?

Mr. Chairman: No. No morning sittings for these estimates in other words.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, just a ruling on a point of order as to seating: Is it your intention the non-members of the committee, as I understand it, will not sit at these tables, but may sit along behind?

Mr. Chairman: I would, personally, have no objection to their being seated along behind.

Mr. Lawlor: If what happens generally to the lawyers occurs here, that is a mass exodus of the lemmings over the cliff in our presence—you can see the vast expanses before us at the moment—what harm is there, Mr. Chairman, in allowing them to then move up to the table?

Mr. Chairman: There is no harm except in the regulation of the debate and the discussion of these various subjects, since it is much easier for me, or for my vice-chairman, to know who is who and in what capacity he is speaking or purporting to vote, as the case may be if we maintain the seating order. Consequently, I feel I would prefer to have voting members of this committee at the tables.

We do have power of substitution, provided you file with me before the meeting, in either the afternoon or the evening session, commences the name of the substitute and the person for whom he is substituting. He would be entitled to sit up at the tables and to actively participate in the votes in every sense.

I do not want to cut off debate, in any sense, from any of the members who come in here, but I feel that the members of the committee and their substitutes certainly have to have priority in the conduct of these debates; and that is the way I would propose to operate this committee. Any discussion on the subject?

If not, then we will begin the estimates of the Attorney General and I guess, Mr. Minister, you have an opening statement.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, the member for High Park asked me a moment ago how long I intended to speak. I told him one and one half minutes, and I shall try to stay within that limit.

This business of appearing before a committee, of course, is new to me this year and I felt that perhaps our time would be best spent by getting right to the detail of the estimates. Perhaps I may say something in the House when I go back, but actually there I have adopted the policy of practice of being very brief, and in those addresses

which I have given to the House over the past six years I have never found that they were quoted as deathless words by anybody, and I am not sure they helped much in the study of the estimates. They do, perhaps, set forth a policy, but I think you are familiar with our policies. I think we might get right to the business and allow more time for the members of the committee.

Mr. Chairman: Very good, Mr. Minister.

Now how does the committee wish to deal with the various votes?

Mr. Singer: I would suggest, Mr. Chairman, it has been the practice in the past that it would be reasonable that a lead speech be given first by the official opposition and by the NDP and then we take it item by item.

Mr. Chairman: In other words, once we have had the two opposition observations, say on vote 901, then we would deal with item 1, salaries; item 2, travelling expenses, and so on.

Mr. Singer: Yes.

Mr. Chairman: And then carry right through.

Mr. Singer: Chronologically!

Mr. Chairman: All right; we will try that.

Mr. Lawlor: Could we straighten out certain headings under which the votes will be called or should we wait until after the opening speeches?

Mr. Chairman: Let us try the opening speeches first, Mr. Lawlor; and could I just ask Mr. MacDonald: Are you substituting for someone from the NDP?

Mr. D. C. MacDonald (York South): Well I do not know what your procedures are. In the last committee members came and went without all the necessary red tape of filing the names in and filing the names out. Since we have to run between here and the House to try to catch estimates when they arise, there is an issue that I want to raise; I presume it comes under the first vote because it relates to general policy.

Mr. Chairman: You were not here at the beginning when I indicated that in order to be able to keep some kind of track of the responsibility of the various members I wanted to have the names of the substitutes filed with me at the beginning of each of the afternoon and evening sessions. I recog-

nize your problem, having to be back and forth with the House, and I think in this circumstance that we would be quite happy to hear your comments when we come to that stage, but otherwise I would like to have the names of the substitutes at the opening of each of the sessions.

Mr. Singer!

Mr. Singer: Mr. Chairman, this year it is my plan to deal with the estimates in perhaps a somewhat different manner than my party and I have dealt with them in the past.

Mr. Lawlor: That will be a welcome relief.

Mr. Singer: My opening remarks are going to be devoted substantially to one issue. In the past I have tried to cover the whole field, and I do not know that I want to give that kind of treatment this year.

Along the line, we are going to be concerned about the suggestion made by the Attorney General relating to the abolition of civil juries; the whole question of grand juries; our grave concern about the centralization of police control, as suggested in the Muskoka bill; and in other manifestations of government policy; our concern about the use of police as prosecutors in courts, and that sort of thing.

A very serious problem will be the whole question of dealing with personal privacy. That will be dealt with somewhere along the line. Then there are the practical implications of various bureaucratic attitudes and bureaucratic departments—the official guardian, the public trustee, and their proper functioning. I daresay, Mr. Chairman, somewhere along the line before the estimates are over, there might be a word or two about EMO, and perhaps even the usual motion.

Hon. Mr. Wishart: I thought you said you were not going to deal with all these matters at this time.

Mr. Singer: That is about all I have quickly noted.

Mr. MacDonald: What is new in that procedure?

Mr. Singer: Rather than 25 or 30 items, I have listed just about seven or eight.

An hon. member: Oh you will get around to the rest.

Mr. Singer: The one I want to deal with at this time, Mr. Chairman, is my grave concern about the infiltration of organized crime

into the province of Ontario and also the very negligent handling of the whole matter of betting. I have just not been able to follow the thinking process, either of the Attorney General or of the government, in relation to the matter of handling these so-called—and I underline the word “so-called”—legal off-track betting shops.

I suppose to start on this thing, Mr. Chairman, my first reference will be to certain proceedings that took place before the federal committee of the House of Commons on justice and legal affairs, and to hearings that took place in Ottawa on June 3, 1969. At that point, the committee was dealing with the House of Commons Bill C-197, which produced the amendment to the Criminal Code, after the committee was through with it, that is now section 177A of the Criminal Code. This says that “everyone who places, or offers or agrees to place, a bet on behalf of another person for consideration, paid or to be paid, by or on behalf of that other person, is guilty of an indictable offence and is liable to imprisonment for two years.”

The reason for that section being included as an amendment to the Criminal Code was the decision of the courts on one Gruhl—G-r-u-h-l, I think it is spelled—where the courts determined that Mr. Gruhl was acting, or satisfied the court in any event that he was acting, as a messenger to receive bets at a consideration and to transmit those bets to a pari-mutuel system at a race track, but this was not gaming under the various sections of the code, perhaps 176(1), or 177(1), or 177(3), or any of the other gaming sections in there.

That disturbed many people in the Dominion of Canada and, perhaps as much as anyone it disturbed our Attorney General.

Hon. Mr. Wishart: This was an Ontario case.

Mr. Singer: Yes. And when Mr. Turner, the federal Minister of Justice, presented this bill to his committee, he cited as his prime witness the Attorney General of Ontario. He read into the record—and it is reported here in this edition of the federal *Hansard*—I have given you the date of it; it is No. 24, if that is of any help—he read into the record two letters written by the Attorney General to Mr. Turner. Without reading these letters in full, I think the Attorney General will agree with me, that he minced no words. He put forward his opinion in as strong language as possible, setting out the fact that in his opinion the decision of the court in the Gruhl case opened the door to undesirable practices

and undesirable elements, destroyed the effectiveness of police work, and more or less invited organized crime, criminals, the syndicate, the Mafia, into the province of Ontario. As the responsible minister in this province, our Attorney General indicated to Mr. Turner that he thought something should be done about this.

One paragraph out of the Attorney General's letter, which is quoted, as I say, in this edition of the federal *Hansard*—I am just looking for the date of the letter, I do not know if that is important but it was written some time in 1969, shortly after the Gruhl decision came down—one paragraph in the Attorney General's—

Hon. Mr. Wishart: Why not read the whole letter?

Mr. Singer: All right! If the Attorney General wishes, I will read both the letters, because I think they are very important. I just did not want to take too much time, but since that is your desire —

Hon. Mr. Wishart: I think it would be better than to read it out of context.

Mr. Singer: All right! He says:

Dear Mr. Turner:

In accordance with my recent telephone conversation, may I confirm to you my concern over the decision of the court of appeal for Ontario respecting the commercial transmission of moneys to be placed as bets at racetracks.

As you are already aware, the decision related specifically to the interpretation of paragraph (e) of section 177 —

I said 176 or 177; it is subsection 1, paragraph (e) of section 177.

— of the Criminal Code. The broad language of the decision, however, would in all likelihood lead to a similar result with respect to charges laid under other paragraphs of the same subsection.

It is my own opinion that while the conduct of this operation itself may be one that might properly be controlled by a licensing system, the most significant problem is that the legitimate operation could well be utilized as a cover for illegitimate operations such as bookmaking.

While I realize that highly discriminatory licensing could restrict the conduct of this type of business, I am sure that we all realize the difficulties inherent in such a licensing system. And, at the same time, we

would recognize the pressures that might develop in a manner quite inconsistent with our concern over criminal operations.

Our investigations and commissions of inquiry over the years have established that the gaming area is the most attractive to organized criminals since it does provide a method by which money obtained illegally could be put to use.

Gaming is also something which is very popular with some segments of the public, which makes enforcement difficult. These, together with many other factors, have caused me to recommend for your consideration that the Criminal Code of Canada be amended to expressly prohibit the commercial operation of a transmittal system for the placing of bets at racetracks.

As you are also aware, the amendments which are presently before the House of Commons will permit provinces to establish licensing systems for certain types of lotteries. If provinces do engage in such a licensing system, it will be the first experience in Ontario in attempting to license a gaming operation. It is possible that at some time in the future, after we have had some experience in this new area, that we will be able to look toward some type of arrangement that might facilitate the placing of bets upon horse races. However, I do suggest for your consideration, that if so-called off-track betting is to be permitted it must surely have some type of licensing sanctions, and in my own view the area is so sensitive and difficult that we should not be precipitated into the business until we have had some experience in the more limited area of lotteries.

I realize that the introduction of amendments to the present bill to amend the Criminal Code may cause difficulties. I feel that the introduction of this amendment would be justified, since I know that at least two other provinces will be most vigorous in the support of the proposition, while I am certain that there may be other provinces which will also share our concern and perhaps support the proposal.

The amendment I seek will therefore be justified as an exceptional step, since it does come through the expressed and urgent requests of the provinces.

I think it is interesting to know that I was this morning advised that two persons, well known to the police and the gaming operations, were actively seeking the co-operation of some restaurant operators who

would act as agents in the operation of the new bet-placing service. I have sincere misgivings as to whether the real interest was in the placing of bets as a service, and I believe it is this type of interest which must concern us all if we are to be able to effectively enforce the other provisions of the Criminal Code of Canada relating to bookmaking.

It was that last paragraph, the one I just read, that I was going to read at the beginning. I want to emphasize it, so let me read that one again.

I think it is interesting to know that I was this morning advised that two persons, well known to the police in gaming operations, were actively seeking the co-operation of some restaurant operators who would act as agents in the operation of the new bet-placing service. I have sincere misgivings as to whether the real interest was in the placing of bets as a service, and I believe it is this type of interest which must concern us all if we are to be able to effectively enforce the other provisions of the Criminal Code of Canada relating to bookmaking.

In view of the concern of the other provinces, I have taken the liberty of addressing a copy of this letter to each Attorney General across Canada. If I may provide you with any further additional information perhaps you could call on me.

Well that is the first letter of the Attorney General. As a result of that, his transmission of his letter to the Attorneys General across Canada and the reaction of Mr. Turner, in due course there was enacted section 177A as an amendment to the Criminal Code.

I think it is important to have again, as part of the record, another letter from the Attorney General of Ontario, dated May 2, 1969. So that while I could not quickly locate the date of the first one, it was some time shortly before May 2, 1969. Perhaps I will read that one in full, it is not quite as long a letter.

Dear Mr. Turner:

In view of the discussions which we have had, I thought it would be of interest to you to be aware of some of the information I have received from the assistant commissioner of the provincial police force on the operations that have arisen in Ontario in this area of law enforcement.

There are over 230 betting establishments that are ostensibly operating to assist people in the carrying of bets to the race tracks.

One hundred and twenty-one of these are in Toronto, while approximately 75 are in Hamilton and the balance are spread across Ontario, with fair representation geographically but with not more than five such establishments in any one city outside of the two that I have mentioned.

And then Mr. Turner interpolates, as a matter of fact at that time there were none in Ottawa. A little chauvinistic pride, but that is all right too. We go back to the Attorney General's letter:

Of these establishments, I have been advised that at least 30 are operated by persons with previous criminal records. Most of those records appear to have been earned in the bookmaking area. With the rapid turnover of the staff serving these establishments and with the lack of identification of many of the people involved, the police have a virtually impossible task in isolating problems that might arise.

It is of course obvious from the nature of the operation that much of what is quite consistent with the betting establishment might also be consistent with the bookmaking operation. I believe that our difficulties which we had anticipated in forcing the bookmaking prohibitions are being realized, in that the evidence is becoming more difficult to isolate day by day.

It is certainly the feeling of my own police advisers that the municipal police forces, as well as the provincial police force, cannot control the existing betting laws in light of operations that are now permitted under the code. They are all of the opinion that a licensing system would be absolutely useless—

Now these are the Attorney General's own words:

—absolutely useless, since the persons involved and the type of operation is not something which is susceptible to a licensing approach.

Well I wonder which statement of the Attorney General we accept. Either the one that he makes here in the letter or the one that he made outside the House, sometime after the series of events started, when he said: "Maybe we are going to come to some form of licensing".

Which face of the Attorney General do we accept? Do you accept his words that a licensing system is absolutely useless? Or that we are going to have to come to a licensing system?

I do not know! That is one of the things that I think we should find out something about before we are through with these estimates.

Hon. Mr. Wishart: You will!

Mr. Singer: Let me come back now to the text of the letter.

And they are all of the opinion that a licensing system would be absolutely useless, since the persons involved and the type of operation is not something which is susceptible to the licensing approach.

When you get down to the practical situation it is an exceedingly difficult, if not impossible task, to ensure that money accepted for a bet in Kentucky actually reaches the pari-mutuel system from the city of Toronto.

And the Attorney General, if I may interpolate at this point, when I asked him about that the other day sort of threw up his hands and said: "Well, who knows, who knows!"

Records may show it, but the auditing of those records would not only be costly but almost an impossible task.

I am bringing all this to your attention because I know that my officials, in discussing the matter on earlier occasions with your advisors, did review the practical difficulties and I thought I should confirm to you that our original fears are being confirmed insofar as the difficulties of law enforcement are concerned.

And that is the end of Mr. Turner's quote of the Attorney General's second letter.

As I say, the hearings went on, Mr. Turner made certain representations. He points out that: "You will note from the correspondence which I have read into the record"—he had correspondence from other Attorneys General as well—"that the provinces do not favour a position for a licensing scheme at this time."

He says, later on—well he quotes, actually, from our Ontario *Hansard* on February 18, an exchange between the Attorney General and my leader (Mr. Nixon), and quoting from what the Attorney General said in *Hansard*:

I spoke with him, that is the Minister of Justice, again this morning, and our recommendation was to amend the code to make such activity illegal if the court should hold that it is not illegal now.

That is when you were worrying about what the court of appeal might do about the Gruhl case.

And then, Mr. Turner says:

One other thought that we have is to leave the licensing provisions of the provincial Attorneys General to establish how to regulate it. I have not received letters back from all the Attorneys General yet, but when I do I will have to decide whether it is urgent enough to seek special legislation or we can wait until the next revision of the code.

In other words, he was turning over in his mind the thought of licensing and no decision had been made on it at that time. The urgent matter was the preparation of legislation which resulted in section 177A.

I think it is important, Mr. Chairman, at this point, and perhaps I will make all my references to this edition of *Hansard* right now since I have started on it, to read into our record, or to bring before the committee, some of the things that were said by some of the other witnesses. I would say that this was not said directly by a witness, but Mr. Turner reads from a letter received from Deputy Commissioner W. H. Kelly of the Royal Canadian Mounted Police and dated May 30. A couple of the things that Mr. Kelly said are:

Since the Gruhl decision was handed down in January and upheld by the Supreme Court of Canada, there has been considerable activity by a number of persons with criminal records, and others who could be considered in the fringe areas of crime, to establish similar off-track betting agencies. It is reported that Toronto has approximately 125 of such betting shops operating at the present time, with apparently 15 of the individuals involved having criminal records.

Similar shops are operating west of Toronto; with five in Windsor and two in Sarnia, three in London and one in Tillsonburg, and so forth.

The consensus of opinion amongst the various chiefs of police of the major cities across Canada, and our division commanding officers, is that they are unequivocally opposed to off-track betting agencies.

And I might add that this feeling is supported fully at this headquarters. It is our belief that such agencies represent unregulated gambling, provide a basis for other types of gambling enterprises on sports to spring up and will, we firmly believe, be infiltrated by organized crime.

He goes on to say:

We are already aware that known crim-

inals are behind a number of these betting agencies. An example of this is that recently information has been received that the operator of one such messenger service has been told that he now has a partner. This partner has been known to the police authorities for the past 20 years as a professional gambler, and it is our opinion that other operations of this nature will acquire "partners" whether they desire them or not.

Some of the police evidence becomes a little more specific later. There is no question that the police are concerned about strong-arm efforts, about beatings, about forceful entry into this kind of operation by the organized criminals. "It is our opinion that other operations of this nature will acquire 'partners' whether they desire them or not."

Now the commissioner of the RCMP is a little restrained in his language. Some of his colleagues in other forces get a little less restrained as we go on.

It should be stressed that we view these operations of pari-mutuel off-track betting seriously and we are convinced that the revenue obtained from gambling is the life-blood of organized crime. In light of the information available to us at this time, we can only join with other senior police officers across the country in urging in the strongest terms that legislation be enacted without delay to curtail this type of enterprise.

That is W. H. Kelly, the deputy commissioner of the Royal Canadian Mounted Police.

Let us move on a bit. Perhaps there is another side of this and it is of some passing interest. It says:

Mr. Woolliams, Conservative member of the federal House, saw fit to bring before the committee a letter written by Mr. MacWilliams.

Mr. MacWilliams may be well known, Mr. Chairman, to many members of the committee. Mr. MacWilliams was a former crown attorney in Oakville who resigned his position to contest, as a federal Conservative, a seat in the last federal election. He did not get elected. But since that time he seems to have specialized in defending those persons charged with off-track betting, and Mr. Woolliams read into the record the full letter of Mr. MacWilliams, saying:

Off-track betting is not so bad because people are going to bet anyway, and let us have them out in the open where we can see them and everything will be fine.

Mr. Woolliams did not choose to do anything more when introducing Mr. MacWilliams' letter other than to say: "I have this letter and it should form part of the record."

Mr. Woolliams did not join in Mr. MacWilliams' representation, but it was just of more than passing interest. As to the position that Mr. MacWilliams has taken, I would say there that it is interesting that at least some members of the legal profession in Ontario have undertaken, in a very specialized way, the urging of the continuance of off-track betting. These people quarrel with and resist activities that lead to laying charges. They defend most of these people who are running these shops if they are being charged with gaming offences. I find nothing wrong in a lawyer defending anybody who comes to him except that—

Hon. Mr. Wishart: I think all the members in Mr. Turner's party did not support the amendment he brought forward in the committee.

Mr. Singer: That may or may not be. There is one gentleman here, Mr. Stafford, who was quite violently opposed.

However, it seems that the Parliament of Canada passed the section quite apart from who supported and who did not.

Hon. Mr. Wishart: I think there were other views.

Mr. Singer: Oh there were other views, I agree. And Peter K. MacWilliams is one whose view is contrary. His views are most prominent; sufficiently prominent, in any event, to have resulted in his writing a letter which Mr. Woolliams chose to put in the record of the House of Commons.

And I notice that Mr. MacWilliams figures very prominently in the defence of trials that take place where various persons seem to be charged with contravention of the betting sections in the code. He appeared in one just the other day. The accused was found not guilty.

Now let us move on a bit.

Mr. Silk, the commissioner of the Ontario Provincial Police, appeared as a witness before that committee, and just a couple of quotes from what Mr. Silk said. I think; and Mr. Silk is the commissioner of the Ontario Provincial Police, we all know who he is; and I think we all should accept the fact that Mr. Silk would not have been there unless he was expressing some sort of an official view. In any event, let Mr. Silk's words speak for themselves. Mr. Silk says:

I think I can be reasonably and briefly convinced from the knowledge we have now of how organized crime is presently functioning in Ontario, that if any of these off-track betting shops are permitted, then organized crime will move in and will move in quickly in a manner which it is difficult to defeat.

In the first place there will be the muscling-in process; where the licensees are threatened—

As I say, as the police evidence gets in a little further on here the policemen become a little more explicit.

They are threatened and they are afraid for their lives and their limbs and their families. Once this takes place, they have an unwilling partner. They would love to get out but they cannot. It is too late.

Mr. Silk says, at another point:

There is another temptation. We know some of those in business at present have already yielded to it.

This is where a long shot comes in. The temptation is to say: "I am sorry your bet was not placed". This gentleman would be a ready-made front for bookie operations.

When someone says it is easy to police, he may be thinking of a single operation. But you must think of this figure, the figure of 220 shops in Ontario as of May 1, 1969—and I understand that this figure is low now, there are substantially more than that at present. It is almost impossible to keep track of the number of people who are working in and out of these shops.

Sufficient for Mr. Silk.

With Mr. Silk was Chief Inspector Hatch of the Ontario Provincial Police, and I marked a couple of paragraphs in his evidence that I think should again be before us. Chief Inspector Hatch says:

We have found, through checking, the convicted bookmakers have taken over and are most prevalent throughout the province in the large established off-track betting shops. Further, we have found as a result of investigation that members connected to off-track betting shops appeared at the race track immediately following every race.

And this is an interesting little gimmick, the chief inspector's next reference:

They would scurry around and pick up claim tickets from the ground, this had

never been observed before when any persons other than children were attending.

Now in case that reference is a little vague, what Chief Inspector Hatch is in fact saying is that the bets were never placed at the track. That they would send messengers out to the track who would pick up losing tickets from the ground of the race track, cart them back so that they would have, back in their betting shop later, all the losing tickets. When the bettor came in the next day, if he went that far, or when the police came to investigate, they could say: "Well, here are the tickets, we bought them and there is proof that we are acting in good faith".

I think that the evidence of Chief Inspector Hatch is most important. Also, we have had two complaints." Somebody asked in the House the other day whether there were complaints, and Chief Inspector Hatch refers to two. Somebody refers to many more.

One was just west of Toronto, in which a man had wagered in an off-track betting shop, and his take for the day would have been around \$700. When he went to collect he was told they were very sorry, they were unable to get the wager down for him.

Well, there is a fellow who attended, bet, and made a good win; and when he came back they said: "Too bad, we did not get to the track in time, here is your original bet back." I am sure they would not have done that had he bet on a losing horse and not had \$700 apparently due to him.

There was another recorded case in *The Windsor Star* on February 5, 1969, where a doctor wagered a \$40 bet with a messenger service and he should have won in the neighbourhood of \$283. When he went to collect his money, he was told the wager had not been placed.

These are incidents—the Chief Inspector said:

That have come to our attention; and we know there is no way of supervising, there is no way of getting at the root of it. We know convicted bookmakers of the past have gradually worked their way into prominent booking areas.

In 1962, the Ontario royal commission on crime investigations exposed that there had been many methods utilized by the criminal element to gain control of gambling establishments in which strong arm methods were used. It is not passed.

Recently, within several miles of this particular city—

I presume that is Ottawa, because that is where he is giving the evidence:

—a man was belaboured with a baseball bat, he had both his arms broken. It was an attempt to take over a bookmaking establishment. I tell you this for the mere fact that it shows what organized individuals would do to gain control.

It is an understood fact that all gambling and prostitution in the country, in the province of Ontario, pays for a lot of other crimes. It is a basic part, the fundamental breeding ground, for major crime; and when you have this type of operation you also have corruption amongst police officials, other officials and politicians.

Inspector Wilson of Metropolitan Toronto, Inspector John Wilson, the head of the Metropolitan Toronto morality squad, Metropolitan Toronto police, gave evidence. These are some of the things that he had to say:

Dealing with our situation on the off-track betting shops: First of all, the bettor has no guarantee that his bet will be placed at the track. We have had many instances in the city of Toronto where bookmakers have approached agents offering thousands of dollars for a half interest in the business they are operating, that is the off-track betting business.

We also know that some operators use codes over the telephone whereby a certain percentage of the bets collected may be placed at the track. If the operator feels so disposed he will tell his runners not to put on any more bets at the track because he intends to book them himself.

It was said earlier that off-track betting shops in Toronto number 120. Well Inspector Wilson's latest figures at that point brought it up to 200. Now I do not know what the figures are today, but I have got a little evidence that I am going to deal with later.

He says, as Chief Inspector Hatch stated earlier:

We have many snoopers employed by agents in the city of Toronto attending the track. Actually they are in competition with the cleaning staff as to who is going to get the most tickets.

Those are the losing tickets that they gather up off the floor.

They return to the shop, produce them to the bettors and say: "These bets have been placed". In most cases in Toronto

the agent or the operator does not know who the runner is. Some make the mistake of turning over all moneys and all records of bets taken at the location to the runner.

And I would imagine that word mistake should be in parenthesis. The fact is that the records disappear. The records vanish. This, of course, leaves the store operator in a rather precarious position.

Inspector Wilson also says:

We also know how many bets that are placed at agencies are not going to the track. We have at least 20 operating in the city of Toronto at the present time with criminal records, those are the ones we know with criminal records. Under the present setup they are back in operation for the biggest bookmakers in Toronto. They can sit either in a barricaded room or almost right out in the street, with the sheet for horses running all over North America, with complete impunity if they say those bets are being placed with the track.

Now the situation really has changed not one bit except that they now have to say that they did not take a percentage. I will come to that later, but let me continue on.

All of this evidence that I am reading in relates to what is happening now in Toronto and in Ontario. It was not changed, really, one whit by the inclusion of section 177A in the Criminal Code. Inspector Wilson goes on to say:

We have numerous complaints where the operator has stated to the bettor he has not been able to place bets at the track, numerous complaints. We have proof short of convicting the man in court of bookmaking that the bet has been placed, and the operator on occasion has pocketed sums well over \$100 on an individual bet. We have had personnel from other large Canadian cities visit an operator in Toronto and ask for a complete rundown on his business. We do not know why, but we suspect this man could be revisited by strongarm men—

As I say, the language becomes a little more frank, and it should become frank as we talk about this. Let us not pussyfoot about this any more.

—to take over a certain percentage of his business. If I may, I would like to give some instances of the bookmakers' operations in the city of Toronto. They are not all gentlemen.

I think that is a beautiful phrase.

Bookmakers are also engaged in numerous other criminal activities and have their clients so deathly afraid that on occasion they have sent their wives and families out of the country. They have gone into hiding, they have deserted their families; and, as much as 15 to 18 months later they have been located by the strong-arm men and had the boots put to them.

We are not playing with kids, we are playing with the biggest organized crime operation that exists in North America, and it is getting to the situation where it is a real emergency here in this province.

Interjection by an hon. member.

Mr. Singer: Yes, yes; all right!

We have numerous stories like this. They are related to the police and there is no way we can entice those gentlemen into court to give evidence. It is simply because they are afraid, either for their own lives or the lives of their wives and families.

Answering one question posed by Mr. Stafford, and I mentioned that Mr. Stafford was not overly enthused about this legislation, Inspector Wilson said:

I can speak only of Metropolitan Toronto with any great authority, but I can think of five definite; there are fifteen others with other types of criminal records.

Inspector Hatch, at a later point in his evidence answering Mr. Hogarth, another one of the federal members says — or Mr. Hogarth wants some suggestion from the inspector:

To a certain extent I would agree with that. People since early times have gambled.

I think that quote is a very important part of what went on there.

I do not think that we can ever prevent people from gambling.

And in any discussion of this matter I think we have got to keep this phrase well in mind. I think it is correct. I think it is a position the police accept and I think it is a position that we in the government of Ontario have to accept. The only thing we can do is to control it. Now that is what this discussion is all about.

Hon. Mr. Wishart: Is this, may I ask Mr. Chairman, all part of the hon. member's opening speech?

Mr. Chairman: Yes.

Hon. Mr. Wishart: Yes, I think it is. May I ask this further question? Would he want this to be dealt with when he reaches the conclusion of this phase or does he want to do his whole speech on all these matters he has mentioned first.

Mr. Singer: No, no. This is the only matter I am going to deal with in this speech. That is it.

Hon. Mr. Wishart: Off-track betting?

Mr. Singer: That is right. I said these are matters we will raise. The other matters I dealt with earlier. I will raise the other matters at the appropriate time. I am only going to deal with this topic at this time.

Inspector Wilson, coming back for questioning again, says if off-track gambling is going to be accepted, it will "certainly need very tight regulations." That is the meat of that meeting by the committee.

In light of that, Mr. Chairman, I would think it is important that we understand what is presently happening in Toronto. I do not know how many off-track betting shops there are, whether those figures recited in 1969 are accurate or not, but I did obtain today, from one of the betting shops in Toronto, this document which is the thoroughbred racing edition of the *Daily Trotting Form*; price 50 cents. Whether or not the publication of this is an offence under the appropriate section of the code, I would not venture an opinion, but I would suggest that the Attorney General have his law officers look at it and he might find some basis for going after the *Daily Trotting Form*, or the publishers. Their address is 930 King Street West.

Quite apart from the interesting information about what the best bets are and what the likely odds are, in the right-hand column of the fourth page is a list of the off-track betting shops — I do not know whether they are all of them; but there is a list of many off-track betting shops presently operating in Toronto.

I counted them; there are 57. This was on today's copy of this *Daily Trotting Form*.

Not only are there 57 they list as operating, but there are six more that are shown as "opening soon." I thought that was a very good thing; with addresses too, where you can find them.

Mr. Chairman: Your friendly neighbourhood store.

Mr. Singer: Yes, there is going to be one opening soon at 977 Eglinton Avenue West,

another one at 2254 Bloor Street West and another one at Crang Plaza — that is up my way — these are all opening soon. So just stand by for your big bargains.

Mr. J. B. Trotter (Parkdale): There must be a lot of "trotters" around.

Mr. Singer: Even though they call this the *Daily Trotting Form*, Mr. Chairman, there apparently are no trotting races being run in the province of Ontario, so today's edition only relates to the runners. I suppose by tomorrow, when they are going back to Garden City, they will be back on to the trotters.

The extent of this in the city of Toronto, I do not know. Suffice to say that there was police evidence given a year ago that there were then over 200 shops operating in Toronto. This would seem to indicate that there are at least 57 going in Toronto today.

I have made inquiries from certain people who know other parts of Ontario. Fascinatingly enough, there seem to be no shops operating in the cities of Niagara Falls, Guelph and Windsor. I puzzled about that one for a bit, and it occurred to me — and I have since checked this out with certain people who have talked to me about these things — that it would seem Guelph, Windsor and Niagara Falls have pretty-well-established, illegal, recognized bookmaking systems. The suspicion is that where they are well-established within a circumscribed and smaller geographic area, the mob is not anxious to bring it out into the open for fear of what might happen. So, while efforts have been made in these other cities to begin to set up these shops, it has been made abundantly clear to all these citizens who, as the Attorney General said, are merely establishing goodwill by opening up these shops and operating them for no profit — all of the 200 or 57 or however many there are — that they are not welcome to certain interests who operate presently in another manner in Guelph, Niagara Falls and Windsor.

The reasons for that, as I say, are obvious. The police indicated the approach that these people take, the people who run the thing. It is very dangerous to try to get involved in the business of looking after bets unless the people who control it are happy with your entry into that kind of business.

I tried to find out the other day from the Attorney General what guarantee, if any, anybody had, first of all, that there were no charges being made for this service—in other words, that there was no offence being committed contrary to 177A—and he said there

was no evidence. I think that is about as far as he went.

Also, what evidence there was that the bets being taken in fact went out to the tracks and were put to the mutuels. He said he really did not know.

Or what assurance could he give to the public that, if they placed a bet, they were likely to get paid off at the odds they were entitled to, or whether or not on occasion—and there were references to it in this evidence—that if there were big wins, they might be fobbed off with the excuse, "It is too bad; we just did not get your bet to the track on time."

I am suggesting, Mr. Chairman—I am doing more than suggesting; it is my very definite opinion that, first of all, an awful lot of the money placed at these betting shops in the province of Ontario never gets to the tracks at all.

Second, I am suggesting that there are service charges regularly made, even though the police have not been able to uncover them. I had a call, in fact, this morning, from a gentleman who lives in my constituency who made reference to a particular betting shop that is one of the 57 here on the list. He said: "I go over there once in a while and I place my bets and there is just no question that the charge for placing my bets is 10 per cent. Fifty cents for the first \$2 and, over and above the \$2 bet, if I am betting higher than that, it is 10 per cent."

I said, "Well are you sure you have to do it?" He said, "Well nobody who is a regular customer would dare come in and out of there without putting their 10 per cent in."

He went on to say, "In fact, I saw a fellow the other day bet \$8; 10 per cent of that is 80 cents. He did not have any change. He gave them a dollar. They gave him back the change so he could put the 80 cents in the little slot."

This is happening and I do not think that there is any question about that. The other thing that I am sure is happening, Mr. Chairman, is that a large quantity of the money bet never, in fact, gets to the track at all.

Mr. MacDonald: Would the hon. member permit a question?

Mr. Singer: Sure.

Mr. MacDonald: Why would the man not have knowledge that his money got there? For example, if he won, would he not know automatically that he won by listening to the radio or reading the paper?

Mr. Singer: Oh yes, but he walks into the betting shop, run by good old Don MacDonald, and says, "Here Don, I want to bet \$100 on the 50-to-one outsider in this race". And lo and behold, the 50-to-one outsider wins and our friendly bettor comes back and says: "Where is my \$5,000?" And the happy operator says: "A funny thing happened, I just did not get our money out to the track on time. Here is your \$100 back."

There are two specific cases of that referred to in this evidence and I suggest it happens on many other occasions.

He has no evidence and the Attorney General provides him no comfort at all. The Attorney General's words, if I may paraphrase them, "Well if anybody is foolish enough to take the chance on one of those shops, tough luck to them."

Well that is one way to look at it, but there are several other ways of looking at it.

First of all, and I suppose among the other important things, is what happens to the \$2 that is bet? Let us talk about the \$2 bet. Roughly 20 per cent of that comes off the top when you bet it at the mutuels.

Seven per cent to our good friend the provincial Minister of Revenue (Mr. White); half of one per cent to the federal Treasury; and up to 12 per cent—and it is on a graded scale—to the people running the mutuels. The graded scale is found in section 178 of the Criminal Code.

So roughly 20 per cent comes off the top of every \$2 bet and when they figure out how much they pay to the people who have tickets on the winning horses, on a \$2 bet only \$1.60 is put back into the pool to be paid back.

The fellow who does not take the money to the track avoids that 20 per cent; the fellow who does not take that money to the track makes that profit to begin with. He is not carrying on a legal business, so certainly he pays no income tax in connection with the operation. Finally the odds are in favour of the house, because any bettor is betting, say on one horse in six or one in eight or one in 10 or one in 12, and the house wins.

Let us be abundantly clear about this. The people who run the gambling are not gamblers. They are businessmen, and they are people who know all of the odds and who know they cannot lose, as long as they can conduct their business, particularly when the odds, to begin with, are in their favour. They take the 20 per cent off the top that is going partly to taxes and partly to administration

costs and partly to the Jockey Club and that sort of thing; and finally, they pay no income tax on it.

I do not know if the Minister of Revenue is awfully concerned about the many thousands of dollars—I would suggest the many millions of dollars—that Ontario is losing by reason of the fact that this money is not getting to the track, but I am sure this is happening. I think the situation is just ridiculous that we allow this to go on in this province.

I do not know, Mr. Chairman, how many people are aware of the care with which the operation of mutuels is conducted. At every race where a mutuel is operated an official of the federal Department of Agriculture is there, charged by the code that is running this thing, standing there, watching there—one or more, depending on how big the take is.

There is also a Royal Canadian Mounted Police officer. They are there to supervise the betting to make sure that it is honest, to make sure that the governments get their proper cut, to make sure that there is no skimming, to make sure that everything is honest and above board. Regular reports are sent to the provincial government, so that Ontario can know that its seven per cent comes through regularly and it is getting exactly what it is entitled to.

The Ontario government has the additional power—and they use it frequently—of sending in, without notice, at any time, their own auditors. They do this so that they can make sure that the Agriculture fellow from Ottawa and the RCMP and everybody else are doing what they should do and we get our seven per cent.

Okay, these are the lengths to which they go where it is being carried on at the tracks. And what do we do with all these betting shops that are taking all these bets? No supervision at all and the Attorney General throws his hands up and says, "Tough, too bad."

All right. I want to know, Mr. Chairman, why the Attorney General, who was so eager about pushing this amendment in 1969, has now been as quiet as a mouse. Why he has accepted this kind of operation, allowed it to expand with all of the pernicious events that follow it, that have to follow it; and there has been no move, at least no move that he has announced, despite repeated questioning in the House for several days now to indicate he is even urging that a different kind of an approach be taken.

What we have here today, Mr. Chairman, is the government allowing organized crime to establish itself without any doubt, operating in the open, to zoom up and exploit this gambling; put up advertisements, publish newspapers.

You walk down; there is a store on Front Street, east of Bay, with a great big sign in the window: "Bet on the Belmont June 6"; and we just let this thing go on without any control, without any concern at all.

There is the police evidence; there is what the Attorney General said then. What does he say now?

I suggest to you that until the Gruhl case, if anyone had ever walked into court—and I have defended a few of these fellows in my time—and suggested this to a judge, after the police had broken down the door that had seven locks on it and suddenly the paper is whizzed up in smoke and there are little ashes there; where there were *Racing Forms* all over and a sheet that reported as much as \$90,000 a day—one of the policemen was telling me, on one sheet \$90,000 a day.

If you suggested to the judge: "Oh, Your Honour, I just was taking the bets out to the track as a service to my friends, as a voluntary service. I am establishing goodwill in case the law is ever changed"; the judge would fall off his seat in hysteria along with everybody else who happened to be there.

For some reason now, because it is being done in the open, because you do not have to break down a door, it seems that our law enforcement system is accepting this kind of ridiculous evidence.

Hon. Mr. Wishart: What about the judge in the Gruhl case and the court of appeal? That is what they accepted.

Mr. Singer: All right. But I say that the police have been hanging back because there is no enthusiasm from the Attorney General of Ontario to go in and get at these people. I say that you should be watching every one of these shops around the clock; I say you should be looking for records. I say that there are charges that in my opinion should be laid under sections 176 and 177, some of which might stick.

I say that you should avail yourself of the rights that you have under section 171 in connection with search warrants, and the rights that you have under section 174 in relation to the examination of persons arrested.

I am sure the Attorney General must be familiar with the provisions of section 174, that where a valid search warrant has been issued and people have been taken in, including people who just happen to be there—found-ins—they can be brought before a justice of the peace and examined about the purpose for which the place referred to in the warrant has been used, kept or occupied, and any matter relating to the execution of the warrant.

I suggest that within those half a dozen gaming sections here in the code, there are weapons available to the law enforcement authorities to begin to get at this.

That is one method. The second method would be the loudest possible petitioning of the people in the House of Commons to change the law once more because it is obvious, it has to be obvious to anyone who has paid any attention to this, that the addition of section 177A has provided no remedy at all.

The situation is going on, it is getting worse, it is getting better organized and this is encouraging and allowing organized criminals to come in here and gain a foothold from which we are never going to be able to dislodge them unless somebody does something. I suggest when the Attorney General stands up in the House and says: "Well, it is too bad; what can we do?" that he is just abdicating his duty as the chief law enforcement officer, as the person who expressed the concern that he expressed to Mr. Turner in 1969. He seems to have lost interest in this field entirely.

I say, sir, that this is one of the most serious scandals that ever existed in this province insofar as law enforcement is concerned. For the Attorney General to suggest that these people are setting up their shops with the possible idea that they are establishing goodwill, in case those nice legislators in Ottawa, and those nicer ones here in Ontario, are going to change all the laws and let them operate at a future date, is just a bunch of arrant nonsense.

You are not going to convince me, Mr. Chairman, that with these elaborate shops with neon signs, with ground floor locations on main streets in modern buildings and with big show windows, that all these fellows are doing it just to try to establish goodwill in case the legislators in Ottawa and Queen's Park change their mind. It is just not human nature. Anyone who has any idea about the functioning of these things must recognize that immediately.

Certainly the police make no bones about this; in their evidence here, there is no doubt in their minds as to what is going on. You talk with them today, and when I was getting ready for this speech I talked to many policemen and I will not name them specifically. The reason I referred to certain police officers specifically is because their comments are in the public record. But you talk to them, and I am sure you do, they will confirm what they said there and they will go further. They will go much further.

What do we do? How do we control it? I think it has got to be controlled. One of the police officers said there: "You are not going to stop gambling any more than you are going to stop drinking by returning to prohibition". I agree with that. I think we have got to recognize that what we have done until now has produced absolute chaos in law enforcement; that we have invited organized criminals into this province and said: "Go ahead, fellows, have a good time".

I am not going to refer at any great length to the various articles. There was one on the front page of the *Star* today showing how the Mafia has infiltrated business. Where are they getting the money? They are getting it out of gambling, there is no question about that.

The cartoon in *The Globe and Mail* this morning showed a group of serious gentlemen sitting around the board table having a directors' meeting with the picture up on the wall—"our founder"—a fellow with a big hat and machine gun under his arm leaning on the slot machine. It is funny in the cartoon, but it is true. It is happening here in Ontario and we are allowing it to happen. That is what worries me.

I suggest, Mr. Chairman, that in addition to sending police in—all the police forces in Ontario that the Attorney General can direct and I think he can direct them all except, perhaps, the RCMP—he take steps to initiate a system of round-the-clock surveillance of every one of these shops.

And he is going to go in under every legal process that is available. I am not suggesting that he does anything illegal or that the police do anything illegal but I suggest to you that in these half-dozen sections of the code, there are many things that have not been fully explored.

It may be that you are not going to get a conviction in each case—and let justice take its course—but at least let the police start getting in there.

I suggest, in the meantime, that the Minister of Revenue be alerted to the fact that Ontario is losing hundreds of thousands if not millions of dollars because it is not getting its 7 per cent. Finally, and I think the most forceful thing that can happen here, is that the strongest possible representation be made to Mr. Turner and his colleagues in Ottawa that there be some kind of licensing system.

My preference would be that the government of Ontario take this over. I do not think there is any room for any private business getting involved in this. I just do not think it can be done and not be gangster-element controlled. If we have to have betting here, and I am afraid that we are going to have off-track betting whether we like it or not—I join with the police inspector in that—I think it can be run in the same way as the liquor stores are run. In fact immediately, if you want to do it, set up gambling desks in the liquor stores and have them run by civil servants.

No, I mean this. At least then, Mr. Chairman, it can be controlled. The way it is now there is just absolutely no control. There have been suggestions that maybe the Jockey Club should be invited in to run it. I do not see why the Jockey Club should be invited in to run it. The Jockey Club presently owns five tracks and there are many more than five tracks. I do not know why we should give the Jockey Club a monopoly over off-track bets in relation to all of the tracks. There is concern amongst those who run tracks in the province of Ontario that if off-track betting is allowed—it is allowed now—that their take at the track is going to diminish. I would be very surprised if the take in 1969 and 1970 at any of the tracks has diminished, even though off-track betting has been going on. But if that in fact is the case, then certainly some sliding form of compensation can be worked out in that regard. If this is important.

But I think, Mr. Chairman, until we get some meaningful regulations in connection with this whole matter, that not only are we inviting chaos, but that we are neglecting our duty as legislators.

I suppose, having said that, I have covered the ground. I could go on at substantially greater length in connection with this. But I do not think really there is anything to add; the problem is there, and it is my opinion that we have not handled it at all. We are inviting worse and worse things to happen in this province, and until somebody charged with the administration of justice gets hot

on this thing, it is going to continue to get worse.

My personal solution to this is whether we recognize that there has to be some form of betting allowed; and that if and when it is allowed, it be allowed to be done only when it is strictly controlled by government, run by government only, and under proper supervision where we can control it.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, we have had a good many words about the subject of betting, and particularly off-track betting, from the member for Downsview. I think none of it is new to me. Perhaps there are a few things I should clarify, however.

He speaks of the Attorney General pushing for this amendment—177A—to the code. I did not push for this amendment. We were aware of the off-track betting situation last year and police surveillance, police investigation, court proceedings were taken where we could get the evidence, and they were fairly frequent.

Then one of these persons, or a partnership, conceived the idea of the messenger service. The court in Regina versus Gruhl held that that was quite legal—that that took it out of the Act, and the section. The court of appeal likewise held that the messenger service, so-called, was legal.

I did approach the Minister of Justice. I wrote him in very strong terms, as the hon. member for Downsview says—and he has read both of those letters in, and I wanted them both read in fully.

We did outline to him the seriousness of the situation in our view. I would stress the point we made of the impossibility of police contending with this situation of securing evidence, of obtaining convictions, of suppressing off-track betting; which we indicated very clearly and definitely in our letters was a prime field for criminal action—the action of criminal persons—and that the money that flowed from that activity got into other areas of crime and that we were much concerned.

The evidence which was presented by Mr. Silk and Inspector Hatch and other policemen, not all of them, was our evidence. We furnished that evidence. We sent the information out. We urged this amendment. We did not urge an amendment which included the words “for a consideration”—“placing a bet for consideration”—and those are the words to remember. When this got into the committee of the Houses of Parliament at

Ottawa, for some reason or other members of that committee urged not just that off-track betting be made illegal under this Act, messenger service or not, which is the thing they made illegal as we asked, but the amendment came out "a bet placed for consideration". That is to say that if you gave the messenger a consideration, that becomes illegal, and that is so. But it does not make illegal the placing of the off-track bet, as long as no fee or consideration is paid.

Then, certain of these persons operating this type of activity conceived the idea of a betting sheet, a racing sheet, a racing form, the trotting news, or whatever you may call it. The courts upheld that. If you have to subscribe to that, as a consideration, that is illegal.

Now what has been determined is that if you pay no fee, if you do not have to purchase the racing news, or whatever the publication may be, there is nothing, under the amendment passed by our friends at Ottawa—this is Criminal Code legislation—there is nothing illegal about it. That is what I said in the House. But we did not seek this amendment; we sought something stronger and did not get it.

The hon. member for Downsview says the Attorney General went outside the House and proposed something different. He said off-track betting—pari-mutual off-track betting—is a very different thing. The pari-mutuel system is permitted in the Code under section 178. That is a very different thing from book-making, or off-track betting. That is a pari-mutuel system which is operated in this province with respect to betting.

I did suggest that, and it received wide publicity. And I did talk it over with the Minister of Justice. I have to say—I do not think I give away a confidence—that he did suggest to me, "wait till we get this amendment—" that was last year—"through, we can discuss it then." I think that may be, in the long run, an answer, but I cannot speak of that as government policy at this moment.

We have considered that. It has been discussed with the Treasurer (Mr. MacNaughton). We are aware of the great volume of betting that takes place. We are aware of the great revenues that would flow from that, but it has not yet been determined as government policy. I have discussed it with Mr. Turner since last year.

A meeting is being held with Mr. Turner next month, July, with all the Attorneys General of Canada, and this will be one of the subjects on the agenda. At least the matter

of dealing with betting—I will not say necessarily pari-mutuel, but the problem which was our problem last year, and which was not cured in the language of this amendment.

I am aware of the seriousness of it, and I agree with the member for Downsview that the problem still remains. Indeed, it is worse.

Mr. Singer: A hundred times worse!

Hon. Mr. Wishart: I will not agree with that, quite. But let me make this very clear. One of the things I stressed in my discussion with Mr. Turner—one of the things that my officials made plain to me, one of the things that the police are fully aware of—is the possibility of providing a police force, police surveillance, police investigation, such as you suggest, to the extent that you can control this. It would be a wild guess to say how many enforcement officers you would have to employ.

The hon. member suggests the use of section 171 of the Code to control this. This has been tried. Everybody, I think, knows how difficult it is to get this evidence. He mentioned the cases where the evidence goes up in smoke—instantaneous disappearance.

Mr. Singer: You know the Sylvester case, where the court says they do not have to inquire into the *modus operandi*, all they have to do is get enough evidence that leads them to believe that the betting has taken place.

Hon. Mr. Wishart: Yes, but section 171—

Mr. Singer: A Supreme Court of Canada case.

Hon. Mr. Wishart: Yes, that was our case. We are aware of it. Section—

Mr. Singer: Yes, I know.

Hon. Mr. Wishart: I have used that successfully as an authority on several occasions myself. Section 171 says a justice who receives, through a peace officer, a report in writing that he has reasonable ground to believe, and does believe, that an offence under section 176, 177, 179, 179A or 182 is being committed at any place, may issue his warrant to search and so on, and bring the persons in.

Mr. Singer: Do you suggest that in the cases of all of these operating shops that there is not reasonable evidence to believe that this is going on? Because if you suggest it, I just do not accept it; I say that is going on every day, in all these shops.

Hon. Mr. Wishart: I think you might suggest that you have suspicion. I know that you can say you have reasonable grounds to believe, and I think you might, if you used that section as widely as the hon. member would suggest, you get into the area of harassment beyond anything you could contemplate. You have got to have reasonable grounds to believe.

Now we may be suspicious, and I think perhaps we have good grounds for suspicion, but to believe is something else again.

Mr. Singer: Why do you not try it, until the laws change?

Hon. Mr. Wishart: Just let me say my answer is this. The police do investigate; we have information; we have awareness.

The problem is there. We have brought it to the attention of the Minister of Justice. The law must be laid in this Code; it must be federal law. This is what we asked for.

There is another way to go, and that is the off-track pari-mutuel system. That would perhaps, as the hon. member says, best be done by the state or by the province, or by some agency organized and licensed and supervised by provincial control. These are things—

Interjection by an hon. member.

Hon. Mr. Wishart: Pardon?

Mr. MacDonald: Why the delay in moving in that direction?

Hon. Mr. Wishart: As I did indicate, the law giving us that right, first has to come from Ottawa.

Mr. MacDonald: I thought you said it was section 178?

Hon. Mr. Wishart: Oh no, not for us to do it.

Mr. Singer: It cannot be done.

Mr. MacDonald: It cannot be done under section 178?

Hon. Mr. Wishart: Off-track betting cannot be done on it. We would have to seek Mr. Turner again and in those discussions, as I indicated, that we had, even last year, at the time this amendment was before the federal House of Commons, it is significant that in the discussions of that committee the members of the government would not vote for this amendment.

Mr. MacDonald: Does the law not state now that the province could have a pari-mutuel off-track betting?

Hon. Mr. Wishart: No, it does not.

Mr. A. R. Dick (Deputy Minister of Justice): Not at the moment.

Mr. J. R. Breithaupt (Kitchener): Mr. Attorney General, are you satisfied with the way things are being operated now?

Hon. Mr. Wishart: I have indicated that we recognize it as a problem, similar to what we had last year, and we sought this amendment to cure it.

Interjection by an hon. member.

Hon. Mr. Wishart: Let me answer fully, please. I have sought the Minister of Justice; he is aware of our problem and he has communicated with me. We have talked and written, and a meeting is set up for next month. This is one of the matters on the agenda.

I think my duty is to go to that meeting armed with all the information that we can get. Our police forces will have that and will be able to fortify me with it.

I think that it may look to the hon. member for Downsview as if we were idle, but I assure him that is not the case. Perhaps it is fair of him to say: "You should be taking dozens of these people to court and supposing you do lose the case, it is all right." I do not think we can get into the matter of harassment; I think we have to go to court.

Mr. Singer: I used the phrase that you act within the law. I am not suggesting that you act beyond the law.

Mr. Chairman: Excuse me, I turned the floor back to the minister because I thought it was appropriate that he could deliver his reply to Mr. Singer's opening comments. I did not intend the meeting to get into a debate between the minister and the members, particularly with Mr. Singer, at this juncture, because we have the official critic from the NDP who is still entitled to his opening remarks. I wanted really to have both of those before the committee before we get into any kind of debate.

I think it is unfair to go on on this basis, leaving the member of the NDP still without a position that he can express. I wanted to give the minister this opportunity to reply, because his comments were germane to the single issue raised by the member for Downsview. I do not really want this to go on too much longer as a debate between the two of you.

I wonder, Mr. Minister, have you any further comments in reply to Mr. Singer?

Hon. Mr. Wishart: Thank you, Mr. Chairman. I would just comment that I do not think I interrupted Mr. Singer unless he offered me an opportunity. But I have not much more to say.

We have this problem in hand, I think. We will be discussing it with the minister who has the capability in his government — that is Mr. Turner, as Minister of Justice in Ottawa — to give us the law we asked for last year, and perhaps to give us another law which, if we see fit, if the government so decides, will take this whole situation of off-track betting out of our hands as a problem and create a situation which may be better for us in many ways.

Mr. Chairman: Thank you, Mr. Minister. Mr. Shulman.

Mr. Shulman: Thank you very much. This is the fifth department of which I have had the honour to lead off for my party, and it is with some diffidence I am doing so, because the four very distinguished members who have preceded me in this Legislature were all lawyers and I do not have that advantage. I have had the pleasure of hearing the member for Lakeshore, the member for Downsview, the member for Sarnia (Mr. Bullbrook) and the member for Riverdale (Mr. J. Renwick), and they have all been most eloquent on the subject of law, and I feel somewhat at a loss, knowing nothing of the legal profession except what I learn from the outside.

But I asked to have this portfolio perhaps deliberately for that reason, because there are certain aspects of the administration of justice in this province which have been disturbing to me for some time, and I am going to limit my remarks very severely this afternoon to one aspect, as the member for Downsview has done, which is very allied to what he has been discussing.

Last November, when I was given this position, I began to investigate the problem of the Mafia moving into this province, and I have done considerable work since that time and taken a number of trips to various areas where I was able to receive information. I am not able today to give all the information that I collected for a number of reasons which I will make clear at a later time, but some of it is applicable and I would like to discuss one specific case in relationship to it. In order to collect this information, I went down to the IRS, the Internal Revenue

Service, in New York — in Brooklyn, actually — and the agents there were most co-operative; in fact, they opened their files. They went far beyond the co-operation one would expect to get even here in Ontario from police forces.

I have also spoken to the SEC in Washington, I made a trip there, and just today I had the opportunity of speaking to an official at the Federal Bureau of Naturalization. Now, all these people have helped to supply a great deal of this information, for which I am most grateful.

The specific case that I want to discuss at some length today, because it does involve the Mafia, is a case that has been discussed in the House at some length before but without this particular aspect being known, and that is the Clinton Duke case. Just to refresh the memory of everyone, Clinton Duke is a wealthy contractor who lives in Burlington; he was charged with pointing a gun at his next-door neighbour. This case came into the Legislature because of charges that Mr. Duke received special treatment by officials of the Attorney General's department and that he received special treatment because of his special connection with certain senior officials of the OPP.

Basically, the objections were that the case was heard in the privacy of family court. When he arrived for the court hearing, the contractor was allowed to wait in the judge's chambers, and after he admitted his guilt he was simply ordered to keep the peace and his gun licence was lifted for six months.

At my request—and at the request of a number of others, I am sure — the Attorney General conducted an investigation, at the end of which he read a five-page statement to the House which in effect said that everything was done quite properly, that Mr. Duke had not received any special treatment. I quote from his statement:

As the result of the family dispute which had generated Duke's conduct, and as a result of Mrs. Citron's concern for her own reputation and for her own family relationships, all of which is evidenced by both the transcript of the evidence at the hearing, Mrs. Citron's statement and Mrs. Citron's subsequent correspondence with me, it does seem clear that in laying this particular charge and in having the matter heard in family court, both the crown attorney and the judge were attempting to meet the wishes of the complainant and at the same time prevent the publicity which might prejudice the possible resolution of any matrimonial dispute that had generated the conduct complained of by Mrs. Citron.

Well at the time I had the transcript of the evidence, and I pointed out to the Attorney General in the House that this was not correct.

That at least as far as this aspect—partially or all of which is evidenced by the transcript of the evidence at the hearing—this just was not borne out by the transcripts of the evidence.

I believe he said in reply that he had read the thing in total; all of the transcript of the evidence at the hearing, plus Mrs. Citron's statement and Mrs. Citron's subsequent correspondence.

Since that time I have had the opportunity to get a copy of Mrs. Citron's correspondence with the Attorney General and also a copy of her statement to the police. In going through that, I found that my original point was quite correct, this was not so; but that is not what disturbs me today and that is not why I am bringing this case up here today.

One of the important basic parts of the statement and the letter were that Mr. Duke had boasted that there was no point in Mrs. Citron going to the OPP; that because of his high connections with officials of the OPP nothing would be done anyway.

Mr. Breithaupt: I might confirm with the hon. member that that is exactly what Mrs. Citron told me as well when you had me see her.

Mr. Shulman: Thank you very much. Well, this is what intrigued me and this is the point that I followed up. I am going to discuss Mr. Duke's connections with the OPP, but before I do so I would like to discuss some connections Mr. Duke has in another direction.

Mr. Duke has a record, and I have not mentioned that point up to now; the only reason I am mentioning it now is because it bears with what follows. The record is an old record, it goes back a long, long time; by itself it means nothing and that is the reason I have not mentioned it before because I was not aware of his present relationships.

But the record, which may have some bearing in the light of the whole situation, is as follows: In 1929, Mr. Duke was tried in Hamilton on a charge of armed robbery with violence. The case was dismissed after a county court jury refused to accept the testimony of a convicted bank robber who claimed Duke was with him when a Canadian Bank of Commerce was robbed of \$23,000.

Duke was arrested on the Hamilton charge after he had been released from the Erie county jail in Buffalo where he served six months for carrying a concealed weapon. It was on February 9, 1929, that Duke was arrested on the weapons charge and at that

time he was living in Buffalo. He was sentenced on February 14, to a six-months term which allowed Hamilton police time to start extradition procedures against him.

On his release from Erie county jail, he was taken into custody and extradited to Hamilton to face the robbery charge, and it was on September 19 that this case was dismissed.

FBI records show that on January 5, 1929, Duke was arrested at 2.30 a.m. at Main and Allan Street. At the time he was carrying a loaded pistol. He was held for Toronto police on information listing him as wanted in connection with an attempted murder. Records reveal the information was sent out by Toronto police following an armed robbery.

Toward the end of 1929, Duke was arrested and charged following a jewel theft in Snyder, New York. Both police records and newspaper clippings revealed that Duke had a gang of nine bandits who raided a dinner party of 18 New York notables. While the notables were held at gunpoint, the gang stripped them of gems valued at \$400,000, one being a necklace valued at \$235,000. The necklace was never recovered, although some gems were found when the Duke gang was placed under arrest.

Duke stood trial for the gem theft and he was identified as the leader of the gang. He received a 30-year-to-life term in Auburn prison. However, in 1942 he was deported to Canada.

Mr. R. D. Kennedy (Peel South): What paper is that?

Mr. Shulman: What I have here is the *Oakville Record* which printed his record in full.

Mr. Kennedy: What date?

Mr. Shulman: The *Oakville Record*—December 26, 1969.

Mr. MacDonald: You have missed the juiciest portions of your local papers.

Mr. Shulman: That is a long time ago. As I say, I would not have mentioned it at all, except that apparently Mr. Duke has maintained his relationships.

The enforcer for the Mafia in Canada is one Johnny Papalia. And Johnny Papalia, and his bodyguard Red Lebar, have attended several garden parties at Clinton Duke's home—this is recently. And just to explain who Johnny Papalia is, he was in charge of

the heroin branch of the Mafia for many years.

In 1963 Papalia was convicted in New York for his part in a conspiracy to smuggle \$150 million worth of heroin into the United States over a 10-year period. He was sentenced to 10 years in jail and served five years of this sentence when he was released in January, 1968. It is since that time that he has been a guest at Clinton Duke's home. The same day he has been a guest there, there have been senior OPP officials present and I will be naming certain of these later.

Mr. Duke's relationship with Papalia is not just that he has had him as a guest in his home. Mr. Clinton Duke has an alias—the same alias he used many years ago, Clinton Jones—and under that name, he maintains an apartment at the present time together with Johnny Papalia at 255 Bold Street in Hamilton; the apartment number is 607. Their names are not on the door, but a man was sent this morning to the apartment house and he asked the superintendent for Clinton Jones. "Nobody here by that name." "This was what I was told by Mr. Jones; I could meet him here. I met him at a party last week and he said I should come here." "Well, that is different, go up to apartment 607, but we are not to give out that information."

The address is 255 Bold Street in Hamilton. This morning I thought it might be interesting to find out who owns 255 Bold Street in Hamilton. We checked, and 255 Bold Street in Hamilton is owned by Terrace Creek Development Company Limited, whose address is 115 Main Street East in Hamilton.

Earlier this afternoon, I went over to the companies branch to find out who was Terrace Creek Developments Limited. Terrace Creek Developments Limited is a company that has three directors. The president is Daniel Gasbarrini, 749 King Road, Burlington. The other two directors are Mr. Gasbarrini's wife and a Muriel Palermo, who is the wife of a man who works for Gasbarrini.

Gasbarrini is a keypin in the Mafia in this country. I have considerable information about Gasbarrini here. He was first named at the U.S. Senate crime investigations subcommittee hearing in 1963. At that time he was named as a Canadian Mafiosi, a member of the Sicilian secret society that has control of organized crime throughout the world. He was also cited in the Ontario Police Commission hearings in 1964 as being a suspected member of the Cosa Nostra.

To give you an idea, I do not wish to draw any conclusions, however, from this information, but there is an obvious conclusion which is a frightening one to me. In October, 1945, Gasbarrini was charged with receiving stolen bonds. The case began with the arrest of a Hamilton man, Paul Donat, who tried to cash one of the stolen bonds at a Hamilton bank. Donat told police he did not realize the bonds were stolen and he agreed to give evidence against Gasbarrini who was charged with receiving these bonds. On the day of Gasbarrini's trial Donat failed to show up so the charge against Gasbarrini was dismissed. Donat has never been seen since.

At the U.S. Senate committee hearings in 1963, two Buffalo policemen listed Gasbarrini with seven other Canadians, including Johnny Papalia, as smugglers and suppliers of narcotics in the Canadian arm of the Buffalo Mafia organization headed by Stephano Magadeno. The next year the Ontario Police Commission hearings point out that Gasbarrini and Papalia, who went to school together in Hamilton, operated an illicit gambling club at 15½ John Street North. The two acquired a club charter from Timmins and opened the Porcupine Miners Club in Hamilton, but the club licence was revoked in November, 1958, when a Hamilton police investigation revealed the illegal gambling.

In summing up its findings on Hamilton crime, the commission said: "There is no doubt that Tony Silvestro, that is Gasbarrini's father-in-law, Danny Gasbarrini and the Papalia family, have brought prominence to Hamilton insofar as criminal activities are concerned."

I confirmed all this. I called Sheriff Mike Amico of the Erie county sheriff's office and he put me through to Frank Latchford of the Federal Bureau of Naturalization who confirmed all these matters to me.

I might also mention that on September 4, 1963, *Maclean's* had an article about this man who said he was one of Canada's leading dope agents.

Now, Clinton Duke, in addition to his relationships with Papalia and, I presume, Gasbarrini, has quite close relationships with senior officials of the Ontario Provincial Police.

To begin with, Commissioner Eric Silk has attended parties in Mr. Duke's home. In fact, on December 11, 1968, two provincial police officers were shot and killed in Peterborough. And on the day of the funeral, Eric

Silk and Superintendent Al Wilson of the provincial police both attended a party at Clinton Duke's home. The same day, by coincidence, although I cannot be sure it was the same time, Johnny Papalia visited Duke's home. Prior to Superintendent Wilson being transferred to Burlington, he was an officer in London; Duke requested at that time that Wilson be transferred from London to Burlington. Whether or not it was a result of Duke's request I have no way of knowing, but Wilson was transferred from London to Burlington. Duke subsequently boasted that it was because of his influence; but this may have been a boast—nothing more.

Other provincial police officers have attended at Duke's home. Superintendent I. R. Robbie on March 30, 1968, was struck by an auto on the North Service Road at Oakville following a party at Duke's home where considerable alcohol was consumed.

The relationship of Duke with Superintendent Wilson is a close one. When Superintendent Wilson had his son's wedding, Clinton Duke flew from Nassau to attend the wedding. Clinton Duke boasts of his relationship with the OPP; he wears an OPP tie-pin; he sponsored the OPP ball team in the area last year. When he applied for a licence to carry a gun, he applied to the local chief of police who refused him permission to have a licence. Duke then went to the OPP and an official of the OPP gave him the licence. Or authorized the licence, I should say; arranged the licence.

Duke likes to boast of his connections with important people. In fact in the living room of his home is the oil painting of the late Magistrate Burger in full robes. Duke claims that this was a very close friend, a close connection of his with the courts. He also states, although I am not sure if this is true, that the totem poles that are on Duke's property were carved by Magistrate Burger.

Mrs. Citron was extremely upset by the fact that she was unable to get what she believed to be a fair hearing, either, in the first place, in court, or, in the second place, when she approached the Attorney General. She came here to the Parliament buildings and asked for permission to see the Attorney General. He was busy and could not see her, but he did send a clerk who said that he would send her a letter letting her know when he could see her. This was many weeks ago, but the letter has not yet been received. She still has not had her interview.

However, she did get a contact, after all this publicity occurred. I do not have the

exact date here, but it was the night that Tiny Tim got married. Mrs. Citron and Superintendent Archie Rogers of the OPP have a common friend. I have her name here. I have been asked not to use it. If a royal commission or a public hearing is ordered on this matter, I will reveal it at that time. At the moment this lady prefers her name not be used.

She was approached by Superintendent Rogers and asked to call Mrs. Citron and arrange a meeting with him, and he passed the message on—I want to get it as correctly as I can—passed the message on that Mrs. Citron was doing the wrong thing in pursuing this, and he wanted to see her to discuss it. So through this intermediary, there were several calls back and forth. Mrs. Citron said she would meet him in her house; this was after receiving advice to have the house bugged. Superintendent Rogers did not wish to meet her in her home, and he said he would only meet her elsewhere, so the meeting did not take place. Mrs. Citron has heard nothing more since that time.

What I have given up to this point are bare facts, and I do not wish to make any allegations on the basis of those facts. What I am saying is, at the basis of those facts there is a great deal in this case that gives cause for worry, and a further investigation is needed. Not the type of investigation that we saw before, where we have someone look it over and say there is nothing wrong. An open investigation, open hearing, where all the facts can be brought out.

I would like to quote from Lord Hewart if I may, and he wrote—and this is in the case of the Queen versus Sussex Justices back in 1923—and I quote:

Nothing is to be done which so much as creates even a suspicion that there has been an improper interference with the course of justice, and it is of fundamental importance that justice should not only be done, but be manifestly and undoubtedly be seen to be done.

That is the end of the quote.

This was printed in one of the local papers, and they made a comment afterwards:

We, along with a good many other people in Halton county, felt the way the Duke case was handled failed to measure up when seen in the light of Lord Hewart's opinion. We also doubt that the Wishart statement is likely to encourage public confidence in either the courts or the Attorney General.

And this is so true. I think it is very important for the Attorney General—and let me say at this point that I do not, for one moment, suggest that the Attorney General has said anything in the House that he did not believe to be completely true, I think I know him too well for that.

Hon. Mr. Wishart: Not anything that I did not believe to be true, but nothing that was not true. All that I said was true.

Mr. Shulman: I do not suggest for a moment that you have said anything that you did not believe to be true. I think that in the light of the report he read he was given incorrect information, and he passed that on to us in the making—

Hon. Mr. Wishart: What is incorrect? Let me have that.

Mr. Shulman: I will go back to your statement. I should read the whole statement because it is all incorrect.

Hon. Mr. Wishart: Let me have what is incorrect.

Mr. Shulman: You said, for one thing, that Clinton Duke was not given special treatment.

Hon. Mr. Wishart: He was not.

Mr. Shulman: He was not? Well, all right.

Hon. Mr. Wishart: That might be a matter of opinion, but—

Mr. Shulman: “Both Judge”—and I quote now from the *Hamilton Spectator*—“Both Judge Langdon and crown attorney Mr. Latimer conceded later that day that Mr. Duke had been accorded special treatment.”

Hon. Mr. Wishart: Whose statement is that?

Mr. Shulman: Judge Langdon and Mr. Latimer.

Hon. Mr. Wishart: Whose statement is it?

Mr. Shulman: This is written by a reporter from the *Hamilton Spectator*.

Hon. Mr. Wishart: Oh, that is a reporter's statement?

Mr. Shulman: I would suggest, sir, in the view of these conflicting statements, that perhaps we should have Judge Langdon and

Mr. Latimer here to see whether they actually said that. Actually there were two reporters present.

Mr. J. E. Bullbrook (Sarnia): Is the reporter here?

Mr. Shulman: The reporter is here.

Furthermore, this, of course, was not a family dispute. This was quite wrong. The matter involved two neighbours. Unfortunately, the impression that was left in the public mind was that Duke was having an affair with Mrs. Citron, which is completely untrue. They never at any time had any personal relationship. It just was not a family affair, but the intriguing thing is that in that area, even matters between common-law partners are heard in the regular open court.

I think the important thing in this case is that Duke has made serious allegations that he has influence in the OPP—that he has succeeded in making friends with officials of the OPP. He unquestionably has close relationship with persons high up in the Mafia, and I think, in view of his boasts and suggestions, that this matter must be explored deeply.

I think that, as a summation of the whole case, I would like to read an editorial in the *Daily Journal-Record*, which was printed some two-and-a-half months ago. It sums up my feelings only too well, and I quote:

THE DUKE CASE IS SETTLED

Arthur Wishart: “It was a bothersome little scandal involving a wealthy Oakville businessman who was accorded the privilege of a private hearing for a charge usually tried in open criminal court.”

After explaining away why the hearing was held in Halton county family court, the Ontario Attorney General also had an explanation why, when investigating the Duke case, his department never bothered to talk to the key witness in the affair—the woman who Clint (Red) Duke threatened at gunpoint. Wishart said it was a court matter and, because of this, what Mrs. Elizabeth Citron had to say was not too important.

With whitewash dripping from his hands, Wishart said, “It was never my intention to contact Mrs. Citron.” And why not, sir? Publicly she has accused Duke of using his influence and position to obtain a private hearing and to get special treatment from the law and its official representatives. Publicly she said Duke boasted of his connections with peace and political officials.

Publicly she offered, at the Halton court hearing, a document which spelt out in detail Duke's dealings with the police, including the OPP.

Publicly the *Journal-Record* put Duke's past brushes with the law on record, this being done in the second editorial in this series. This action was done in the hope of making both the public and Attorney General acutely aware of the reality of the situation. While we expected the editorial series to be met with indignation by Clinton Duke, we did not expect it would be met with indifference by Arthur Wishart. That it has leaves ourselves—and, we suspect, a lot of other people—pretty disenchanted with Mr. Wishart and the law he professes to uphold. The same law he expects the rest of us to honour and respect.

The truth is the Duke case deserved nothing less than a public inquiry, the public good it would serve outweighing any individual harm. Such a hearing was asked for by, among others, the Oakville and District Labour Council.

We suspect that when the provincial Legislature goes back into session there will be further calls for a public inquiry into this case. However, nothing is likely to move Mr. Wishart. At this point, and after going through the motions of an investigation, he is satisfied that justice was done in this case. He could have fooled us. We press the issue because we thought justice was shamed. We thought the way justice was done injured the court and undermined the law and its representatives and that is the way we still think, Mr. Wishart.

The Duke case may be closed, but it will not be soon forgotten as another shoddy example of jurisprudence, Halton county style.

I think, in concluding these comments, I must say it will not be enough for the Attorney General to issue a denial. It is not going to satisfy all the people who are disturbed by the implications of this case. Surely if ever a case called for a public inquiry this is it and that is what I am requesting today.

I would like to move on briefly—

Mr. Bullbrook: Would the hon. member permit a question?

Mr. Shulman: Surely.

Mr. Bullbrook: When you spoke, during the body of your comments, as to factual situations—for example, that Duke boasted of his

relationship with people—I take it this is information that you have received from some other person?

Mr. Shulman: From some other persons.

Mr. Bullbrook: Duke did not boast to you?

Mr. Shulman: Oh, no, I have never met him. No, he has boasted to several people—publicly, in one case.

Mr. Bullbrook: If there should be a public enquiry, am I correct, sir, that you would be prepared to divulge the names of those who gave you the information so that they could be subpoenaed for such enquiry?

Mr. Shulman: Yes, with one exception.

Mr. Bullbrook: With one exception?

Mr. Chairman: Carry on, Mr. Shulman.

Mr. Shulman: What really disturbs me about justice in this province is that justice varies so tremendously. I am looking at this not as a lawyer—I know every time I get up in the House the lawyers laugh at me when these questions come up—but I think I am looking at this the way an ordinary member of the public looks at it.

There was a great discussion in the House last year about people being found not guilty. I felt that recompense should be given to such people if they spent time in gaol, and the Attorney General said I was wrong. They had not been found innocent.

I said they were innocent because they were found not guilty, and he said: "No, innocent is not the same as not guilty; just because they are found not guilty does not mean they are innocent and therefore there is no reason to recompense them, no reason to reimburse them".

This is what really disturbs me so much, because in this province I have the impression that we have three kinds of law. We have the kind of law that the very special and the very favoured get—the kind that the Wookies and the Grafstroms and the Dukes get; and there is the kind that most of us get, the average, more or less good law; and then there is the kind of bad law that people like Sweezy get, that poor man who sat in court for seven months because of the foolish bail situation—the very same time the Duke case was going on. He could not raise \$300 bail on a charge of theft and he sat for six or seven months in gaol when the whole offence would have involved only two or three months with a conviction.

Hon. Mr. Wishart: I wonder if the hon. member would permit me a question.

Mr. Shulman: Surely.

Hon. Mr. Wishart: Do you still feel that persons who are found innocent, and not as you say not guilty, should be compensated?

Mr. Shulman: I sure do.

Hon. Mr. Wishart: Then would you compensate Mr. Duke when he was found not guilty of the charge of robbery in Hamilton?

Mr. Shulman: Yes, for his legal expenses. He did not spend any time in gaol.

Hon. Mr. Wishart: You think he was entirely innocent then.

Mr. Shulman: I think anyone who is found not guilty in our courts should not be out of pocket; he should have his legal expenses paid. If someone goes to gaol—and I have a case here of a man who went to gaol and spent a year there—I am digressing, you will forgive me. But a man by the name of John Szczepcih, 45 of Bathurst Street, was acquitted of robbery by the Ontario Court of Appeal after spending a year in the Don Jail.

Yes, yes, I think he deserves compensation and I think when a man goes into court and is found not guilty, if he has not spent any time in gaol, he should receive recompense for his legal expenses. Yes, that is what I believe. In fact if I succeed in doing anything in this Legislature or in the next Legislature—I have not succeeded very much in this Legislature—but in the next Legislature, if I succeed in doing anything and if I should have the honour of holding the post you now hold, that I hope is the one thing I shall put through.

An hon. member: How generous can you get?

Mr. P. J. Yakabuski (Renfrew South): Heaven forbid!

Hon. Mr. Wishart: Just one more question. If one of these bettors the member for Downsview mentioned—if you take him to court and the evidence has gone up in smoke—

Mr. Shulman: I am sorry, I cannot hear you.

Hon. Mr. Wishart: If the evidence of the bettor has gone up in smoke, when you take him to court and he is acquitted—

Mr. Chairman: Order, order!

Hon. Mr. Wishart: If the bettor's evidence has gone up in smoke, and you take him to court and he is acquitted, do you compensate him too?

Mr. Shulman: I suggest that you should not take anybody to court if you do not have the evidence. But if you have taken someone to court and they are found not guilty, they should not be out of pocket.

Hon. Mr. Wishart: Mr. Singer, how are we going to get them through the court?

Mr. Singer: I do not subscribe to all the things that the member for High Park says.

Mr. Shulman: You see, I believe that we have a lot of good law in this province but not enough real justice.

Mr. G. R. Carton (Armourdale): Do you have any conception, Mr. Shulman, of how many "innocent", and I will put that word in quotes, people there are?

Mr. Shulman: An awful lot.

Mr. Carton: And it is the technical ones I am talking about now. I can safely say, and I did a lot of criminal law when I first graduated, that nine out of 10 people I got off were guilty.

Interjections by hon. members.

Mr. Shulman: I shall recommend you to any of my associates who get in any difficulty.

For one thing, the police under such circumstances will not lay charges *holus bolus*. There will be a lot more consideration and they will have a lot more evidence in hand before charges are laid. All too often, charges are laid when they know really, they are not going to get a conviction.

Anyway, it would be nice to think that the two cases I have discussed, the Duke case and the Sweezy case are unique, and due only to the, blundering of minor officials. What bothers me is that we go into the Legislature and ask the Attorney General to investigate and he says no. In the case of Sweezy, the 20-year-old wrote him from jail asking for help and he was refused.

The minister announced the case of Duke had been handled properly and last year when I got up in the House to complain about certain cases, the Attorney General said to me: "I do not investigate all the cases you send to me." So I said: "Do you investigate any of them," and he said: "Perhaps not". I

was so incensed I printed it up and mailed 20,000 copies of it to everybody that lives in Sault Ste. Marie.

How often do we get these miscarriages of justice? About the special justice for the rich, there are no reliable statistics since most of the cases obviously do not come to light. But I alone receive and document evidence about one or two or more, every year.

The very first complaint I raised in the Ontario Legislature was about the convicted company president, Ralph Farris, who was released from jail on the grounds that he was dying of cancer. Four years later he was alive and well and when I investigated, I found that the x-rays and medical evidence that had been presented to the Don Jail doctor had been those of another man; his brother actually. Yet the government, the Attorney General, refused to investigate.

Last year, or a year and a half ago, an unhappy government official brought me a file from the Attorney General's department which had recommended that charges be laid against a senior oil company official and a broker who had improperly used advance information to make a fortune. I brought this information out in the Legislature, but nothing was done, no investigations made, no charges were laid.

Just a few months ago—remember Greenaway—we learned of a mortgage company whose senior officials had diverted the funds. The securities investigator recommended that charges be laid; nothing was done. When it was brought up in the Legislature, the member for Durham (Mr. Carruthers), said that there should be further investigation; everyone agreed and nothing happened. We do not hear any more about it; just very quietly forgotten.

This special treatment of the rich extends down in the Attorney General's department to the coroner's office today. Over a year ago, the body of a woman was found on the farm of a wealthy mining promoter. She had been the victim of foul play but the police were unable to find the killer. The family pleaded that an inquest be held so the facts could be brought out; the coroner's office refused and my protest to the Legislature was just brushed aside.

This is one of the great frustrations to members of the opposition parties, and I am sure it is shared by many of the members in the Liberal Party; that the Attorney General and the Premier (Mr. Robarts) just will not listen. You come in with what you believe is a case of injustice and we see this in the compen-

sation board all the time, and you can bleed for these people and you can cry for them. The press writes it up; great, for one day there is excitement and then it is forgotten. The Attorney General does not do anything; the responsible officials do not do anything; the government has grown insensitive.

Certainly, regarding the other side of the coin—injustice to the poor—there is no dearth of cases and every MPP I am sure has his favourite. But in my opinion, the most flagrant, the one that I will never forget as long as I stay in politics, has to be that of Douglas Woods. This is the young man who was induced to commit a breakin by two OPP officers who pretended to be thugs, they accompanied him to the scene and arrested him as he came out of the building. And after he was convicted and sent to jail, he appealed to the legal aid branch for help in the appeal. But legal aid rejected him on the ground that he had no hope of winning an appeal.

The case was taken by Bernie Eastman, who is a dedicated young lawyer, who was very upset by this, and he won the case; it took the court of appeal just eight minutes to say this was wrong and they freed him. They did not order another trial; they said "out". Woods went back to legal aid and said: "Obviously you were wrong; we could win the case and we did win the case. So now can I have legal aid to pay all these legal expenses?" And legal aid again turned him down, this time on the grounds that legal aid cannot be granted after the case is over.

This seemed like such nonsense, I came to the House again, and I went to the Attorney General. I said: "Is this not an injustice?" And he said: "No, there is no injustice. There is nothing wrong, they are following the rules."

Miscarriages of justice in this province seem to cover every aspect of the administration of justice. I think the most recent case I had was that of Earl Works. This is a man who is a criminal, a man who was sentenced to a term of one years' imprisonment on February 21, 1969. On April 3, 1969 his lawyer made a deal with the crown attorney whereby he changed his "not guilty" plea to "guilty" on a second series of theft charges.

The police wanted to clean these cases up and this was done on the understanding—it was agreed ahead of time—that the new sentence would run concurrent with his one year sentence. His lawyer arranged this with the crown attorney and the judge agreed.

The judge sentenced Works to 18 months' concurrent. The judge wrote on the information—I have a copy of it upstairs:

April 3, 1969, Earl Clifford Works, sentenced to 18 months reformatory, concurrent with the sentence of one year given February 21, 1969.

Mr. Bullbrook: Is this in Sarnia?

Mr. Shulman: Yes, it is in Sarnia. So what happens? The judge says he is to go concurrent but he does not go concurrent. He goes consecutively. He has to spend all the extra time. So Works' lawyer wrote to the Attorney General; I wrote to the Attorney General; we all appealed; and nothing happens. Back comes a letter from the Attorney General, and he wrote back to me:

A sentence cannot be backdated. No injustice has been done to this man.

I am not a lawyer, but it seems like an injustice has been done to this man, in my opinion. Technically, legally, the Attorney General is right; and yet neither the judge nor the prosecutor wanted Works to spend this extra time in jail. It is just one more case of standing on the legal niceties and avoiding the moral obligations.

After he went into jail and it came to the end of his sentence—he had 30 days left—he was offered a job. I then went to the Minister of Correctional Services (Mr. Grossman) and appealed that if he let him out earlier, he could take this job. I think there has been a tremendous injustice done to him, and the Minister of Correctional Services wrote back: "No, we are not letting him out early. There has been no injustice done here; we have told Works time and time again the judge was wrong and a sentence cannot be made concurrent." Well we should not forget—

Hon. Mr. Wishart: Have you got the letter from the Minister of Correctional Services there?

Mr. Shulman: No, I have it upstairs. I would be glad to get it for you.

Hon. Mr. Wishart: I doubt if he said what you state.

Mr. Shulman: I assure you that he did and I will—as a matter of fact, I believe his exact words were: "Works has been informed repeatedly that his sentence cannot be—

Hon. Mr. Wishart: That is a different thing.

Mr. Shulman: But I will get you a copy of it.

Hon. Mr. Wishart: I just want correct—

Mr. Shulman: I am paraphrasing. I do not have it here in front of me.

Hon. Mr. Wishart: Yes, I know.

Mr. Shulman: The fact is not how he worded it. The fact is the act. The act of refusal of mercy. That is what disturbed me. The wordings are always perfectly correct. The Attorney General's wording was correct, the Minister of Correctional Services' wordings were correct—that the injustices stick. I think that ultimately—

Mr. Bullbrook: I think we should, if you do not mind, clarify one thing in connection with that case. Unfortunately, the presiding judge left the bench and went to British Columbia, and this was part of the difficulty that was involved. We could not get a re-endorsement of the actual sentence.

Mr. Shulman: How many times does a judge have to sentence? He wrote it.

Mr. Bullbrook: No, I realize this. But one of the difficulties was that we could not change it and the time for appeal had expired. I think this should be clarified; that it was a technical problem involved in the case.

Mr. Shulman: Yes, and I appealed for mercy.

Mr. MacDonald: Who has the right to unilaterally overrule in that fashion a judgement of the bench?

Hon. Mr. Wishart: No one but the court of appeal.

Mr. Bullbrook: No, the court of appeal—you see, there was that technical problem involved in that case. I am sorry to interrupt unduly but I just wanted to put on the record that that was the technical difficulty. The statutory time for appeal had elapsed and we just could not carry it forward under due process now. I am not interrupting your train of thought in connection with the quality of mercy, I have intervened from the technical point of view.

Mr. Shulman: Technically they were quite correct. No one would argue that.

Hon. Mr. Wishart: I think actually, although I am not entirely certain depending on the case, I think that the only person who

could have released him would have been the parole board, which is a federal institution.

Mr. Shulman: Of course we have the Ontario parole—

Hon. Mr. Wishart: If you imply that the Minister of Correctional Services would not do it, I think he could not do it.

Mr. Shulman: He did not say he could not in his letter; he said—

Hon. Mr. Wishart: But you do not quote his letter.

Mr. Shulman: I will quote his letter before we are through.

Hon. Mr. Wishart: I think that would be proper.

Mr. Chairman: Perhaps you could bring that back tonight, Mr. Shulman, and carry on with your comments now.

Mr. Shulman: I am actually almost through, so I might as well finish it now, but I will bring the letter tonight for the minister.

We should not forget that the true value of a society ultimately will be measured in the way that justice is given the weakest elements of that society. In my opinion, Ontario's system of justice contains a great deal of good law but not enough justice. There are three things that I am going to fight for in the coming Legislature. I do not think there is any hope of it in this Legislature, and I know I am going to be disagreed with by the Attorney General. I fear I may be disagreed with by the member for Downsview, I hope not.

But the three things I believe should be done are that persons charged by the Crown, subsequently found not guilty, should be reimbursed for their legal expenses. Secondly, persons confined to jail and subsequently found not guilty should be reimbursed for their lost time and expenses. Thirdly, persons involved in royal commission hearings, subsequently found innocent — and I am thinking of Judge Guardhouse as a perfect example — should be reimbursed for their legal expenses. That is what I have to say and I apologize that my legal knowledge is limited. Thank you.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: I think, Mr. Chairman, before I reply on my behalf, I am going to ask my deputy to speak to the matter in

reference to Mr. Eric Silk, the Commissioner of the Ontario Provincial Police. I will have something to say about the other matter.

Mr. A. R. Dick: Mr. Chairman, if I may address myself to solely the one factual circumstance of which I have personal knowledge and which the hon. member has made reference to. I asked the minister if I might make reference to it for two reasons: The man about whom the statement was made is a man with whom I have worked for 20 years and for whose integrity and ability I have the greatest respect.

The manner in which the statement was put, made reference to the death of two provincial constables in Peterborough and at the same time mentioned the commissioner of the provincial police force, that day, was attending a party at the home of Clinton Duke.

Mr. Shulman: After the funeral!

Mr. Dick: Last fall, I do not remember the date — I do not make a practice of keeping notes of the conversations I have with the commissioner or the things which he tells me — I received a telephone call from the commissioner. It was at a time in the fall when there was a good deal of notoriety attaching itself to some of the circumstances to which you have made reference.

At that time, the commissioner advised me that he was well aware of some of the things that might come out by persons who had become involved in this matter and which would be misconstrued for some purpose. One of them related to his attendance at the home of Clinton Duke. The commissioner related to me at that time that he had attended a wedding reception and the wedding of the child or offspring of the daughter or the son, I have forgotten, of an officer of the OPP at Oakville.

At that time he had been sitting at a table and a man introduced himself to the commissioner and his wife as Clinton Duke. The commissioner at that time had no knowledge of the man. He knew not who he was or what he represented or anything else. He met him at a wedding reception where the man introduced himself.

At that time, Mr. and Mrs. Duke discussed socially and so on, things with the commissioner and his wife and at that time, invited him to attend at Mr. Duke's home should they ever be in the vicinity, and so on and so forth.

The commissioner then told me, at a later date, when he and his wife were passing through that area, they did stop at the home of Clinton Duke. It was subsequent to those events that the commissioner realized the words that were being bandied about in the press, and the allegations with the sinister implications that were being made, could possibly be construed as something in which the allegation would be that the man had had contact with persons in high positions in the OPP. It was expressly for that reason that the commissioner of the OPP called me to inform me of these circumstances, so I would be aware of them; so that I, in turn, of course, could inform the Attorney General that this was something relating to the incidents of which we should be aware. I did not, Mr. Chairman, want it to go unrecorded after the comment had been made, that the commissioner was fully aware of the implications that might be drawn from certain completely innocent circumstances as far as I could discern. I just wanted to inform the hon. member that we were aware of that particular episode.

Hon. Mr. Wishart: Mr. Chairman, I would like to go back to the hon. member's comments. I do not know what they portend. They referred to contacts he had had with the internal revenue service of the United States, and he mentioned the names of Gasbarrini, Papalia, Magedino, Silvestro in the course of his comments. He did indicate, of course, but I want to refer to it again, that all these names came out in police inquiries some years ago. I would just like to say, and make this very clear, that we, the police, and The Department of the Attorney General through the police information force, are aware of the activities of these men, not only of their past activities but their activities up to date. I have files on those gentlemen which I might inform this committee are very complete and very thorough. There is nothing new in telling us about these people. They had —

Interjection by an hon. member.

Hon. Mr. Wishart: We are aware of their association with Duke.

Mr. Shulman: You are aware?

Hon. Mr. Wishart: I am aware. Certainly I cannot say that every contact they have had with him would be known, but that they had contact with Duke is not unknown to us.

Mr. Shulman: Were you aware through the department?

Hon. Mr. Wishart: I have not got the files before me but I would just say that our intelligence service is very active and very intelligent.

Mr. Shulman: As good as mine.

Hon. Mr. Wishart: Because Clinton Duke had a record in the United States is not automatically a bar to his carrying on certain activities here, providing he stays within the law.

Mr. Shulman: Will the Minister allow a question?

Hon. Mr. Wishart: If you will let me finish first, perhaps. He was admitted to this country by the immigration service. He was brought before the court in Hamilton—that charge was dismissed. And when the hon. member started out with his record, that is the first thing he mentioned. That is not a part of his record.

Furthermore, his record—even if it were known to the prosecuting attorney in the Oakville matter—would be no part of evidence. It would be improper and against the rules to mention it. It has no part to play until after conviction on the charge for which he is brought before the court. Then it becomes relevant to the matter of sentence. The crown Attorney then may read in—generally with the permission of the court that he has such a right—to read in then a record which is relevant to be taken into consideration as to the sentence.

So I want to make it clear that, whatever Duke's record may be, if he is brought in on a charge I think it is only the first principle of justice that whatever he may have done in the past—this is the principle that underlines that—he has a right to be dealt with on the evidence relating to that offence. To do otherwise and to sort of refer to his record, in any way, would be to do him or anyone, any citizen, a grave injustice.

Mr. Shulman: May I ask—

Hon. Mr. Wishart: I think the hon. member seems to wish to interrupt me. I think I shall permit it, Mr. Chairman.

Mr. Shulman: In view of the fact that you people have been aware of Duke's connections with the Mafia, I have two questions. Why did the OPP give him a gun licence after the local police refused it—to carry a licensed gun? And second, why would you allow senior OPP officers—I am not referring to Mr. Silk, I am referring to the other

members I mentioned—to associate intimately with him as they have done.

Hon. Mr. Wishart: First of all, under the regulations related to the gun licence, these are now issued by the OPP—the chief could not issue him the gun licence. Now, the OPP would probably deal with the matter; whether they were aware of his record or not, I do not know. But when you say he could not get it from the local chief and he went to the OPP is to give an implication that the local police refused him.

Mr. Shulman: They did.

Hon. Mr. Wishart: They could not issue it—he had to go to the OPP, those are the rules and regulations.

Do not ask me why I allow the OPP to associate with him. Mr. Dick has spoken to the incident you relate and it is not a case of the OPP—having me allow them to associate with certain people. I do not control their activity to that extent.

Mr. MacDonald: Were you aware of it?

Hon. Mr. Wishart: I was not aware of it at the time, no. I was aware of it when Mr. Silk called and told my deputy about it.

Mr. MacDonald: Are you disturbed by it?

Hon. Mr. Wishart: In the circumstances in which it came about I would say, no.

Mr. Shulman: What about the other officers?

Hon. Mr. Wishart: There was certainly no—

Mr. MacDonald: I am not talking about Silk, I am talking about the other officers.

Hon. Mr. Wishart: What I have heard here today is a bit expansive on what I know and I would like to check that.

Mr. MacDonald: Surely you must be at fault in not knowing about such things.

An hon. member: And surely you must be concerned.

Hon. Mr. Wishart: I am concerned enough to check it.

Mr. Bullbrook: Mr. Chairman, I want to clarify directly the answer that the Attorney General has given to Mr. Shulman on the question of the issuance of the gun licence. I entirely agree with you that a refusal by the local police is purely because they

have no authority to grant it. So that one cannot infer into that that they knew something about Duke—

Mr. Shulman: Yes, they do have the authority.

Hon. Mr. Wishart: No, they do not.

Mr. Bullbrook: But as to the issuance of the gun licence by the OPP, one would hope that the OPP was aware of his record.

Hon. Mr. Wishart: One would hope so, yes.

Mr. Bullbrook: Then one would hope there was no justification for the issuance of the gun licence.

Mr. Breithaupt: Perhaps I could interrupt with what I know, and this perhaps Mr. Shulman will confirm, that Mrs. Citron had said to me, as she may have said it to you as well, that Mr. Duke had apparently obtained a gun licence because it was believed necessary for him to protect a very valuable gun collection in his home. This is what Mrs. Citron told me.

Interjections by hon. members.

Mr. Chairman: One question at a time please; it is impossible for *Hansard* to record this kind of thing.

Mr. Shulman: May I ask one more question? Will the Minister order a public inquiry?

Hon. Mr. Wishart: It is a fact that Clinton Duke was a gun collector and has a very large gun collection of antique types of guns in his home. I believe he still possesses that. But I do not know the background of the issuance of the gun licence.

I should add this. At the court hearing in Oakville in the Citron case, his gun licence was removed. It expired at the end of last year—that was some months after the case—and it has not and will not be renewed. So that might be an additional item that you should know.

As to all the editorial comments and Mrs. Citron's relation, or the things she related, to the hon. member, I would like to just make this comment. Mrs. Citron wrote to me on January 5, 1970. And she started off:

Dear Sir, My name is Elizabeth Citron and it means everything to me as a designer. But I find now that my name is bandied around in both Hamilton and Burlington with ugly rumours, namely, I

was having an affair with Clinton Duke. And that is not my worry as he is 25 years older than I am and I can live it down. The other rumour is that I asked the man for a cash settlement and when it was not forthcoming, I went to the police to report the incident. That, no doubt, you are familiar with.

She recites these things as well-known statements floating around the community. She goes on: —she does not mention the gun incident, curiously, at this point—but she goes on:

—six Weeks later he called my husband by phone at 2:15 a.m. and accused him of having an affair with Mrs. Duke. We had to call the police.

It was then, 43 days later, after the gun incident, that she went to the police and charged—

Mr. Shulman: But you are leaving something out Mr. Wishart. Are you going on?

Hon. Mr. Wishart: I say there was a gun incident. She did not mention it in the letter. Six weeks, actually 43 days after the gun incident, she went to the police and said I want this man to stop bothering me.

Mr. Shulman: She also says in the next paragraph—

Hon. Mr. Wishart: Yes, you have the whole letter. I really wish you had read her whole letter and I wish you had read her whole statement—

Mr. Shulman: I have it here.

Hon. Mr. Wishart: I am not going to give you permission now.

Mr. Shulman: Pardon?

Hon. Mr. Wishart: You have made your speech, I think we will leave it.

Mr. Shulman: I can understand why.

Hon. Mr. Wishart: Her statement—I want to refer to what I did. She went to the police 43 days after the gun incident, as she relates it. She said, “I want this man to stop bothering me.”

There was the suggestion that she was having an affair with him. There was the suggestion that he himself was charging her husband, on her own words, with an affair with—

Mr. Shulman: It does not say that.

Hon. Mr. Wishart: She says that to me. This is Mr. Citron:

Six months later he called my husband by phone at 2:15 a.m. and accused him of having an affair with Mrs. Duke.

What I was saying is here were two family situations; at least one that she admits—and she starts off with the implication—

Mr. Shulman: She does not admit—

Mr. Breithaupt: She does not, Mr. Attorney—

Hon. Mr. Wishart: At least—yes, she does. Well, she admits that there is the charge. I am not trying to say there was the affair. Please do not misunderstand me.

Mrs. Citron says:

“Mr. Duke called my husband and says he is having an affair with his wife and I want him to stop bothering me.”

They go to the court and there is the question of the relationship of Mr. Duke and Mrs. Citron, and Mr. Citron and Mrs. Duke.

Mr. Shulman: No.

Hon. Mr. Wishart: There is the question, and that is the way it appeared to the crown attorney—

Mr. Breithaupt: It does not say in the transcript.

Mr. Shulman: No.

Hon. Mr. Wishart: —and the court, I think, all she is asking—really, it was not a gun warning at the base of it all, because that had happened 43 days previously. It is a question of what is the relationship here; will this man stop bothering me? In the light of the family situation—and Mrs. Duke and Mr. Citron, and Mrs. Citron and Mr. Duke—they had been friends, as she admits in her letter, in her house. After the gun incident, he was in her house.

Mr. Shulman: Will you order a public inquiry?

Hon. Mr. Wishart: After the gun incident, he was in her house as she tells me. The court said: “Let us have this in the family court.” And an order is made saying, “Do not bother these people, your gun licence is cancelled.” And that is it.

Now for the newspapers to make a great fuss about this and for the hon. member to say that there was a miscarriage of justice is just pure nonsense—

Mr. Shulman: Will you clear the air—

Hon. Mr. Wishart: —I want to say that the statement I made in the House is factual to the nth degree and that I have nothing to take from it and nothing to add.

Mr. Shulman: You are not helping justice.

Hon. Mr. Wishart: That may be the hon. member's view but it is not the fact. I do not intend to have an inquiry; there is no need of an inquiry in this case, none whatsoever. I have brought the facts out, I think, most completely. Let me say in that respect I got Mrs. Citron's letter; I got from her the eight-page statement which she made to the police—or perhaps it is longer than that—a very long statement which she sent to the police. I got the transcript of the evidence.

I replied to Mrs. Citron and I told her that I reviewed everything that she had said and the court had said. I said to her if you wish an interview with me you may have one. That was on February 10. My closing paragraph, I think, that was a three-page letter;

You suggested you would see me if I wished to talk with you. I do not think this is necessary or that there is anything more to be said as you have written to me at length and I have your very complete statement.

That was a letter and a statement.

However, I would not refuse to see you if

you feel anything is to be gained by an interview.

Mr. Shulman: Why did you not see her?

Hon. Mr. Wishart: She did not ask me for—

Mr. Shulman: She came to your office.

Hon. Mr. Wishart: Now, the hon. member—she came one day when I was engaged with some important activity and without warning went to my office and said “where is the Attorney General? I want to see him”.

Mr. Shulman: But you sent a message you would let her know when you would see her.

Hon. Mr. Wishart: And I sent word up, “Just as soon as I can get free I will see you or I will give you another day.”

Mr. Shulman: You have not been free yet?

Hon. Mr. Wishart: She did not say: “I want another day”. Now to try to make out, when I offered to see her, that I would not see her, that is just what my colleague, the hon. Mr. Grossman, calls a “Shulmanism”, and I cannot see—

Mr. Shulman: Well, we will see if this is not a “Wishartism”.

Mr. Chairman: Gentlemen, this meeting stands adjourned until 8 o'clock tonight.

The committee adjourned at 6 o'clock, p.m.

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ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 4, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

**THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 4, 1970

The committee resumed at 8:00 p.m., in committee room No. 1; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (continued)

Mr. Chairman: I will call the meeting to order. Mr. Shulman?

Mr. M. Shulman (High Park): Mr. Chairman, on a point of order, I mis-stated one thing; just to keep the record absolutely straight. In relation to Superintendent Robbie's death, it was at the wedding of Wilson's daughter, not his son, and the wedding was at The Holiday Inn. It was attended by Robbie and Duke, and it was following this that the fatal accident occurred.

Mr. Chairman: Thank you.

Mr. V. M. Singer (Downsview): Mr. Chairman.

Mr. Chairman: Yes, Mr. Singer.

Mr. Singer: There are two points I want to make. I want to deal very briefly with the Attorney General's reply to my earlier comments.

The substantial thrust of one of the main parts of my argument was that there was no government policy, and the Attorney General confirmed this in his remarks. He said that maybe government policy will be to have a government-run pari-mutuel system, or a pari-mutuel system run by someone else. My concern is that there is no government policy, and as this situation continues to deteriorate, one of the reasons for the substantial deterioration is that the government has no policy. And this is very important.

The second point I want to make in that connection is this: the Attorney General, Minister of Justice of the province of Ontario, is a very important man in the political setup of this province, and if he was prepared to say in a loud and definite voice that the situation has deteriorated to the extent that I outlined—and I do not think he disagrees

with me very much in that—that therefore, it is necessary to change the criminal code to stop this. The people of Canada, and the legislators in Ottawa, would pay substantial attention. My basic criticism—this is what I was trying to say, and perhaps I did not make it clear enough—is that we have not heard the Attorney General's voice in a definitive way.

The Attorney General is prepared to tell us in the House that "it is too bad". He is prepared to tell us this afternoon there is no definite government policy. And I say that every minute this goes on the situation deteriorates that much further.

These fellows who have set up their shops, with neon signs and expensive floor space and so on, are not doing it because they are altruistic, because they are providing a public service, and because they are prepared to expect that the good fellows in Ottawa or at Queen's Park are going to pass legislation that will allow them to manoeuvre; they are doing it to establish a base, and they are doing it without any disturbance from our law enforcement authorities. And because there is no government policy, because our Attorney General does not have a loud voice, because there is no public opinion being mounted against this real danger which gets worse every day, I think the government stands condemned. That is point number two, and that is all I want to say about the gambling for the moment.

I want to direct certain other remarks to Mr. Shulman.

Mr. Chairman: Just a moment, Mr. Singer. We have had our opening addresses by yourself and by Mr. Shulman, and the reply by the Minister. I think now it is appropriate that we should go into these, vote by vote, and then you may make your comments.

Mr. Singer: I should like, Mr. Chairman, to reply to the reply, and I am certainly entitled to make some comment on this first vote in relation to Mr. Shulman's remarks. And this is the point I am making now.

This might go on for a long time, Mr. Chairman, and as the lead speaker, and as the person in my party responsible for these

estimates, I intend to have my say from time to time as matters arise, in turn with everyone else.

Mr. Chairman: We certainly have expected that.

Mr. Singer: Thank you. Now let me address a few remarks toward what Mr. Shulman had to say; this is on a different topic. I am concerned about Mr. Shulman's remarks to this extent—his initial criticism in the Duke matter—and let me make myself abundantly clear on this, the Duke matter arose while I was absent from the country and I am not familiar with all of the circumstances. I have read some of the debates, I have read some of the material that came forward, and I think I can understand some of the things that have been done and said and some of the charges that were made.

As I understand Mr. Shulman's preliminary concern, which perhaps I share, it is that the hearing of these matters in private is subject to substantial criticism, and that perhaps the actions of the judge who allowed them to be heard in private, and the actions of the crown attorney, should be further investigated. Now on that basis I can accept that criticism and join with him and others who have expressed some doubt about these procedures. That is fine, that is number one.

But where I got lost this afternoon was in the association of this incident with the possible connection of Mr. Duke—who is a known friend of the Mafia—with known OPP people. And I want to get it abundantly clear before we get too much further, whether or not Mr. Shulman is suggesting that anything regarding the original complaint—and the original complaint as I understand it was directed to the judge and the crown attorney—relates to actions of the Ontario Provincial Police.

Is Mr. Shulman charging—I do not know, and I ask this deliberately—is he charging that the Ontario Provincial Police interfered in any way with the hearing of this particular charge? That is question number one. Number two is: If that is not so—and I have not heard him say so, but I ask him that specific question—if that is not so, do we then logically separate his allegations, and I think they have got to be considered as allegations, that the Ontario Provincial Police are associated with, and he associated these himself after Mr. Dick's remarks, with comments concerning Commissioner Silk?

Does he allege that certain other provincial police officials are associated with known

underworld characters, and that this should be investigated? Because I think these charges are very serious, and I would not concur in an investigation in the air about charges of alleged injustices unless a particular member could convince me that there is more to it than occasional meetings between known criminals and police officers than he has as yet made apparent.

In other words, what I am asking the hon. member for High Park is: Is he alleging tonight that, because of some incidents he referred to, and perhaps others, that the Ontario Provincial Police is suspect, and that it is worth a judicial inquiry, with all of the ramifications, to investigate the actions of certain police officers, who on occasion may have associated, or not associated, with the known underworld?

I think this is very important, because if the hon. member can convince me that there is more than the odd meeting, and that it has infringed the proper course of administration of justice, I would join him in asking for a public inquiry in connection with the operations of the Ontario Provincial Police.

I lost the trend as to the connection between the actions of the police and the actions of the judge and the crown attorney. Now it may be that Mr. Duke, who has a criminal record, has an apartment with somebody who is an objectionable figure in the member's mind, perhaps in my mind, perhaps in the minds of many people, but I would like the hon. member for High Park to relate these incidents, either into a charge that the Ontario Provincial Police is carrying on its job improperly, because of these associations, or must necessarily be suspect; and also the charges relating to Duke, because, at the moment, as far as I see, there are two separate incidents.

The Duke charges—yes, all right, just let me finish—the Duke charges relate to a criticism of the judge and crown attorney. The provincial police charges seem to me, at least, to relate to a separate thing. If the hon. member is charging that the course of the administration of justice has been perverted because important police officers have association with known criminals, I would like to hear that charge specifically before I get too much further into this.

Mr. Chairman: Mr. Shulman.

Mr. Shulman: Thank you. First of all, the member is quite correct. There are two distinct matters here.

The first is the conduct of the court case.

Let me say at the outset, I have not alleged that any police officer went to Latimer or to Judge Langdon and said, "Do this, or that or the other." It is the man, Duke, who has made such an allegation before and after the case, let us get that quite clear—if there is such a word.

Second, well, before I go on to the second point, the very fact that he received what is obviously very special treatment, and the very fact that he alleged, before he received this special treatment, that he was going to get special treatment because of his connections with the OPP, seemed to be reason enough, if for no other reason whatsoever than to prove the truth, or the lack of truth of this, to have an inquiry to determine whether anyone did contact crown attorney Latimer.

The one thing I do find very disturbing, which was not brought out this morning, in the Duke case, was that the defence attorney was the crown attorney's assistant. Now this I find odd under the circumstances. Mr. Hennessy happens to be the deputy crown attorney who acted for the defence in this case.

The second matter in which there is a definite allegation is that the Attorney General has said today that his department has known for some length of time that Clinton Duke has been associating with Papalia and these other Mafia people. I find it extremely upsetting that while this was known to the Attorney General's department, senior police officials from the OPP would be visiting—and I say visiting; it was not a visit as far as the commissioner was concerned. Perhaps they only met twice, as was described—I accept his word without hesitation, the words of Mr. Dick. But certainly other senior police officers were there numbers of times.

I find it even more disturbing that after this case broke in the paper, a superintendent of the provincial police saw fit to phone Mrs. Citron—or rather saw fit, through intermediaries, to phone Mrs. Citron to make certain approaches for a private meeting to get this thing settled privately.

I think between the two separate matters, there is a sufficient cloud thrown on to the conduct of justice that this has to be cleared up and the truth has to be established. It is not just my feeling. There is a large body of people in the Burlington area, as represented by the numerous—and I say numerous—editorials that have been written there, who are extremely disturbed and who feel the quality

of justice is very low. I certainly hope that you gentlemen will join with me in asking for a public inquiry—not to condemn anyone, but to clear the air and get it straight once and for all.

Mr. Singer: Well having listened to the hon. member's reply, let me say this. Before I would want to associate myself with a demand for a public inquiry, I would like to have the terms or the suggested terms reasonably defined. Whether I agree or not—and my present feeling is that I disagree with the Attorney General's comments, insofar as the holding of the trial *in camera* is concerned—I do not think that that is sufficient for me to urge a public inquiry.

I think the judge was wrong; I think that the crown attorney was wrong. I do not think that that matter should have been held in private. I think the Attorney General has taken the wrong side in this, but I do not think a public inquiry is going to elicit any further information on that incident.

Mr. Shulman: What about the other—

Mr. Singer: Whether we agree or disagree with the Attorney General is a matter that we can discuss here or out on the hustings and see whether the people agree or disagree with us.

What I am much more concerned about is the suggestion—and I would like to get it to be more than a suggestion—that the course of the administration of justice has been interfered with by reason of the incidents to which the hon. member has referred; that there is reason, serious reason, to suspect the honesty and integrity of senior police officers in the Ontario Provincial Police at the moment.

My experience with the Ontario Provincial Police has been that they are one of the best police forces in North America. I am certainly prepared to listen to any criticism based on fact, that would question that belief. I want to ask the member specifically whether he is prepared to say that, by reason of the incidents he has outlined, he has serious doubt as to the honesty and integrity of the Ontario Provincial Police. And I think that is what the issue gets down to.

Mr. Shulman: I am prepared to say you are talking nonsensically. I never suggested that—

Mr. Singer: That is my opinion.

Mr. Chairman: I think it is time for the Minister to reply.

Hon. A. A. Wishart (Minister of Justice): I think I can be very brief, Mr. Chairman.

First of all, dealing with the rebuttal, are further remarks to the member for Downsview. He is at pains to say that the government has no policy re off-track betting. Well we did have a policy—we do have a policy—and that policy was to stop it. We applied to Ottawa last year to have it stopped.

The section that went into the code as a result of Ottawa's deliberations was to say that it is all right to bet as long as you pay no consideration, and that is right in the section. That was not our request and it was not the consensus, really, of the supporters of the hon. Minister of Justice. I do not want to stress that, because I think the minister in Ottawa and myself understand each other and he had certain things to contend with.

What I have indicated is that we will be going to meet the Minister of Justice at his request and ours immediately after the close of this session, which will be before the end of this month and on the agenda is this matter. I think I cannot say more than that, and in the meantime we are not wasting our time. We are becoming aware through our investigations so that I will be able to say to him, "here is the situation."

Mr. Singer: I am in serious disagreement with—

Hon. Mr. Wishart: I have indicated to the hon. member for Downsview that I am not unconcerned about this problem. I know of it and was concerned about it a year ago. We did what we thought would result in action then; it was not the action we asked for. We do not think it is sufficient; we have to deal with it again. This, I think, we have accomplished. These things are not accomplished overnight, but I think they will be accomplished in good time if I say put it that way—

Mr. Singer: We have got organized crime here—

Hon. Mr. Wishart: Perhaps the hon. member is a little impatient. I am not taking issue with him on the question that this is a problem.

I said I would not favour an inquiry and I am glad that the member for High Park has said that he does not associate the Ontario Provincial Police with the Duke case. I think that is fair of him to say that, and it is true and probable that the Ontario Pro-

vincial Police had no part in the Duke and Citron matter whatsoever. Mrs. Citron went to a justice of peace, swore out her information under section 717 of the code, concerning a matter which had occurred 43 days previously, as far as the pointing of the gun was concerned.

After the call in the wee small hours of the morning, when her husband was accused of having an affair with Mr. Duke's wife, she then said: "We have got to stop this fellow bothering us." She went to the justice of the peace and she swore out that information under section 717, which was a summary conviction matter under part 24 of the code. I have the information before me as part of my investigation. She said that he threatened to shoot the complainant and pointed a firearm—a revolver—at the complainant's forehead. Now remember this was 43 days before she complained about it. In the meantime, she had had him in the house and had a chat with him, quite a social occasion—

Mr. J. E. Bullbrook (Sarnia): Why do you keep repeating 43?

Hon. Mr. Wishart: Because, if you were threatened with a gun, you are not—

Mr. Bullbrook: He was convicted.

Hon. Mr. Wishart: If you really feel sincere about being threatened, you are not going to wait 43 days.

Mr. Bullbrook: He was convicted, Mr. Attorney.

Hon. Mr. Wishart: I am not complaining—

Mr. Bullbrook: All right, so the 43 days has nothing to do with it.

Hon. Mr. Wishart: It certainly does. The time has a great deal to do with the law.

Mr. Bullbrook: Why was he tried *in camera*? What does the 43 days have to do with that?

Hon. Mr. Wishart: He was not tried *in camera*. He was tried in the family courts.

Mr. Bullbrook: In the family courts—

Hon. Mr. Wishart: But not *in camera*. Let us be clear on that.

She, the said Elizabeth Citron, is afraid the said George Clinton Duke will do her some bodily injury and therefore prays that the said George Clinton Duke be required to find sufficient sureties to keep the peace and be of good behaviour towards her. The

said Elizabeth Citron also says that she does not make this complaint against or require such surety from the said George Clinton Duke from any malice or ill will but merely for the preservation of her person from injury.

The judge who heard the case in family court, which is not a private court, which does not prevent the public going in—

Mr. Shulman: That is not true. I have heard cases—

Hon. Mr. Wishart: Not in that case.

Mr. Shulman: Yes, one of the men who was refused admission is right here now.

Hon. Mr. Wishart: The same judge would have heard the case if he moved over to his capacity as a judge in the criminal division of The Provincial Judges Act. The same crown attorney was the prosecutor and I venture to say without any question of doubt the same result would have been achieved—

Mr. Bullbrook: I would hope so.

Hon. Mr. Wishart: Certainly. No question about it. Same judge, same crown attorney, same evidence, same complainant, same result.

Mr. Singer: Yes, but an unusual, unexplained procedure.

Hon. Mr. Wishart: No, I think not.

Mr. D. C. MacDonald (York South): Why did the Attorney General say it is not a private court when, in this case, it was a private court?

Hon. Mr. Wishart: It was not a private court.

Mr. MacDonald: There is a reporter who was denied entry.

Hon. Mr. Wishart: Nobody! There is nothing in the evidence I have that anyone said they could not get in that court.

Mr. Bullbrook: Mr. Minister, how closely did you investigate? Did you investigate with this reporter? Did you discuss the matter with him?

Hon. Mr. Wishart: Yes, I did. With the crown attorney, with everyone concerned with it. I was going to read from a letter which I received from the crown attorney dated December 30, 1969, when Latimer reviewed the whole matter. This is what he said to me in a part of his letter:

This morning, His Honour Judge Langdon indicated to me that if there is any statement that is required to be issued by him, he will be more than content to do so as he still feels that the matter was properly heard in the proper court.

This is a judge.

Mr. Singer: If there was ever a self-serving statement, that is it.

Mr. Bullbrook: We are not interested in what the learned magistrate or judge said.

Hon. Mr. Wishart: Maybe you are not interested but I want you to — if a judge of the provincial court, under the circumstances which I have outlined to you where there were family relationships involved, says: "This is the court in which I should hear this", I think it is hardly reasonable you should say that this was a case of trying to cover up the situation.

Mr. Bullbrook: What was the family relationship? I am sorry, I missed that.

Hon. Mr. Wishart: I have gone over —

Mr. Bullbrook: The association between the wife and Mrs.—

Mr. Singer: It was not a husband and wife dispute; there were no youngsters involved. It was a fight between two people from different families.

Hon. Mr. Wishart: Two husbands and two wives.

Mr. Singer: All right.

Mr. Bullbrook: There had been adjournments previously in the provincial criminal division. Is that not a fact?

Hon. Mr. Wishart: No, I think not.

Mr. Bullbrook: There had not been?

Hon. Mr. Wishart: No.

Mr. Bullbrook: My information is that there had been.

Hon. Mr. Wishart: I do not think so.

Mr. Bullbrook: Do you have a record?

Hon. Mr. Wishart: I have the record.

Mr. Bullbrook: Did you have it adjourned from the criminal division to the family division?

An hon. member: It does not say that.

Mr. Bullbrook: Twice, I am told.

Mr. Singer: Now that is point one, and the Attorney General's explanation just does not convince me at all.

Interjections by hon. members.

Hon. Mr. Wishart: It was remanded but I cannot say that it was remanded from a criminal side at all.

Mr. Singer: Is the Attorney General prepared to bring the report, or forward it to us here; and have them give evidence on oath as to whether or not he could get in?

Hon. Mr. Wishart: Well—

An hon. member: He certainly could not get in the Toronto courts.

Hon. Mr. Wishart: No.

Mr. Macdonald: Let us not get away from the point that is before us at the moment, Mr. Chairman. It was remanded from the criminal court, which is an open court, to the family court.

Mr. Bullbrook: What bothers me is that you have done an investigation and yet you have no knowledge—if I might interject, Mr. Chairman—the Attorney General has no knowledge of the fact that it was remanded from the criminal division to the family division. And it is all very well to say that the same provincial judge was involved, with the same responsibility and the same evidence; the thing that I am disturbed about is that one recognizes that the family court is a public court of record but my practice has been, and my knowledge is, that I would suggest without fear of contradiction that 90 per cent of those trials are held without the public there.

Interjections by hon. members.

Mr. Bullbrook: Because there is no public initiative involved with that type of trial.

Hon. Mr. Wishart: I would agree with you without question.

Mr. Singer: And certainly on Jarvis Street over here, there is somebody standing in the doorway who will not let the public in, including the press.

Interjections by hon. members.

Mr. Bullbrook: But aside from the validity, Mr. Chairman, of the statement made by the hon. member for Downsview as to whether

there was actually a blockage of the public going into that court that day, the concern that I express is this: Apparently the matter was recorded before the criminal division and there were two adjournments, according to my information, and the case was subsequently remanded to the family court. Now one knows, as a matter of course, that the family court is not a court where there is the public interest.

Hon. Mr. Wishart: I agree.

Mr. Bullbrook: As a matter of fact, the very essence of that type of court—and aptly so—is to get away from the public involvement. Because that type of court is essentially, as we hope, an attempt at reconciliation in family matters.

Hon. Mr. Wishart: No question.

Mr. Bullbrook: And this is why I sit here as one member who expresses deep concern, deep concern over the validity of the remanding of that matter to the family division. I must say to you sir, I feel that way.

I am not going to get into the other question right now. I hold the OPP, I hope, in great esteem as do the rest of the members. There might be a causal connection there, and I think probably you would be well advised to consider looking into this matter from the point of view of the protection of the prestige of the OPP. I really do.

We do not need to worry about Mr. Silk. There has been unanimous response, in a positive way, to the statement made by Mr. Dick, even by Mr. Shulman. So we do not have to worry about that.

But I am concerned, and I want to express that concern to you, as to the validity of what happened about removing the case to the family division. Not because anybody was barred, maybe they were and maybe they were not; but notwithstanding that, because of your own knowledge, sir, as you know, it is not a court where there is the public response. And insidiously, we must presume, insidiously or otherwise, we must presume that somebody had some motivation in removing it.

Hon. Mr. Wishart: Mr. Chairman, I go a long way with the hon. member for Sarnia. I agree without question; I admit immediately that the juvenile and family court is ordinarily a court to which the public do not attend—they do not take an interest in—and that most of the matters decided there are family matters. The member for Downsview says that

at certain courts there is a guard at the door and this is quite proper because there are certain laws, certain statutes which require that there shall not be a public display of what goes on in that court, for the protection of juvenile young people.

An hon. member: That is right.

Mr. Singer: But there was no juvenile in this case.

Hon. Mr. Wishart: There was no juvenile in this case; and I say again, and the reporter is here, I would ask him to deny it, because the crown attorney tells me that there was no request, and no refusal, of anyone to go in that court. Now he may have accepted the fact that it was not a court into which he would ordinarily enter.

But this was a case, and while you may say it was not, there was certainly a very close situation here involving two families and the relationships which went on. And all I can say to you is that the judge said: "In these circumstances, this is the court in which I propose to try this case."

Let me make this clear; this was not a decision in which the Ontario Provincial Police were involved in any way. This was not a matter in which the crown attorney took any part in moving it to the court. This was a matter in which the judge said—

Mr. Bullbrook: The assistant crown attorney was defence counsel for the man involved.

Interjections by hon. members.

Hon. Mr. Wishart: That really, is not effective because we have these assistant crown attorneys—he was in a separate law firm—in order to properly serve the courts. We cannot hire enough because it happens that one day there may be two courts and we cannot hire two full-time crown attorneys. So, in many cities throughout this province, in my own city and 50 others, we have practising lawyers who will assist from time to time in the administration of justice, on the criminal side, and we may call upon them to come in and defend.

The only thing we require is that they do not be involved on two sides of the same case. But he would defend as thoroughly and as ethically and as fully, notwithstanding that the crown attorney was on the other side of the case. That means nothing.

The judge here, Judge Langdon, said: "This is the court in which I shall try this case". And I realize that there is a certain

newspaper desire to make something of this case.

Mr. J. B. Trotter (Parkdale): Oh, I think there is more to it than that.

Interjections by hon. members.

Hon. Mr. Wishart: Well there may be more to it, but certainly this has been the great play in this matter. And what are you going to investigate? I think we say the OPP has no part in this matter; they did not, that is very definite.

Mr. Singer: We have got two problems—

Hon. Mr. Wishart: But what are you going—

Mr. Singer: We have got two problems.

Hon. Mr. Wishart: Just let me finish. What are you going to investigate? I will give you all the information I have. Here is a case when there was some continuing relationship and continuing—no, I will not use the word—two families who have been friends and there is an accusation that there is a relationship between one husband and one wife. And the judge says, let us dispose of this in court; in family court. Now what are you going to investigate? What good is that going to do; what is it going to achieve?

Mr. Singer: Well if the Attorney General had it in his mind that occasionally a judge could be wrong, I think this difficulty would have been overcome a long time ago.

Hon. Mr. Wishart: The judge might be wrong.

Mr. Singer: It is justifying the unjustifiable.

Hon. Mr. Wishart: The judge might be wrong in this respect—if I must refer to this—I brought in a year ago The Provincial Courts Act, which provided something only this province, I think, has, only this jurisdiction has, only the province but not the dominion, where a judge, if he has failed to carry out his duty properly, may be investigated by the judicial council. If you want to question the judge's action, he is the one who did this. I do not think it is worthy of bringing him before the judicial council. I do not think so. But I have provided for that survey of his conduct, if that is what you wish.

Mr. MacDonald: Mr. Chairman—

Mr. Chairman: Yes, I have four names, gentlemen. Mr. MacDonald, I had you down earlier, Mr. Shulman, then I have Mr. Lawlor—

Mr. Bullbrook: Mr. Chairman, I have a point of order, then, if I might. Tell me how you are going to operate then, Mr. Chairman, so we know the ground rules. Are we going to operate on the system that was current during the course of Trade and Development, where the member got on the floor and held it at his own initiative?

Mr. Chairman: I am trying—

Mr. Bullbrook: I am just asking you, sir, I am not taking issue at all with your method. I am just wondering how it is going to be.

Mr. Chairman: I was not here throughout any of those estimates, Mr. Bullbrook, so I am not familiar with how it was handled at that time. But what I am trying to do is to retain some semblance of order. If the various members catch my eye, as I hope they do, and crack their fingers, if they cannot catch my eye, I will get them down on the list and we will try to get through it in that fashion, hopefully, to the benefit of *Hansard* and the record for all of us to use later on.

Mr. Bullbrook: I just want to record to you one of the disadvantages in the strictures placed on our system in Trade and Development was that, when we got onto a particular subject, there was not the repartee that sometimes flows in the House. Do you follow me, sir? One member would carry forward on a subject and then somebody else might want to speak on it and he would go over to some other subject. So I suggest your indulgence, if I might, on this point of order. For example, we are on this matter now, and I would like to see us dispose of this matter before going on to another.

Mr. Chairman: I quite agree with you. That is precisely what I had intended to do. But once this has been concluded, then we will get on to the votes and I would hope that we can keep some kind of order at that time. Mr. Shulman.

Mr. Shulman: I will be very brief. There are just two points I want to make. First of all, there seems to be some doubt as to whether the court was closed. There are two reporters present in this room who are prepared to swear that both Crown Attorney Latimer and the judge said to them—both of them, not one—both said to them that the case was heard in family court so as to avoid the press. That is the first point I want to make.

The second point I want to make is surely the—I agree with the member for Downsview—the two important things that have to be looked into here are, was any special influence exerted in order to have this case heard in family court; and secondly, the association of the OPP, senior OPP officers—and I mean association, eliminating Mr. Silk but putting in the other senior officers—with someone who is known by the government to be intimately related with the Mafia?

Mr. Chairman: Mr. Lawlor.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I do think the procedure of the hon. judge—whom I know fairly well, I have appeared before him on a number of occasions, and he has been a very good judge. He has his quirks, Lord knows, like many of them, and I suppose he is not getting any younger.

Mr. Singer: Like many of us.

Mr. Lawlor: Speak for yourself. But what he did on this occasion, whether it was on his own initiative or not, was in my opinion an extraordinary procedure. Simply because of an altercation between neighbouring families I have never seen the criminal courts of this province take that as due grounds in cases of assault or otherwise, as a legitimate ground for removing it from the provincial court jurisdiction to some other forum in which it may be heard. I would think, you know, it has a kind of curious ring about it.

Taken in conjunction with the other allegations that are before us, weighing them as you may, it then takes on a certain different hue, somewhat heightened. It is not yet vermillion, but it has a pinkish flavour, if I may put it that way. I would think if we launch into a public inquiry—it is the menshevik fashion, this action, you know—and you know what happened to them. If, on other grounds, it were determined that a public inquiry of some dimension, I would think not a Royal commission, were thought advisable in this context, I would think that just to obviate this particular difficulty it would be one of those terms of reference, as an entree to the total position that has been alleged before this body today.

My experience with the family court is that—let us put it this way: Generally, we all know that courts are public institutions, open to complete access by the public. That under the Criminal Code, in certain circumstances having to do with scandal, usually of a sexual nature, a judge has the reposed discretion to refuse access to the public; or, because of

altercations or other disturbances in his courtroom, sees fit to order them out; a quite legitimate enterprise.

By default, I think, more than by any reasoned position, the judges in the family court do tend to exclude the general public from that court. I suppose they are anxious that gossipmongers and people who have tattle sheets and what-not do not, in a way, feast upon the disasters, marital or other, of others. But this was not a marital relationship. I think a judge exercising his discretion is perfectly legitimate, in the case of juveniles and in some range of the ordinary family court matters in which adults are appearing before him, to exclude the general public.

I do not think that should be a general rule; it should be a rule of thumb. These people standing outside these doors, I think have very little authority in all cases *carte blanche* to exclude either the press or anybody else who might be interested in attending up on these courts.

Interjection by an hon. member.

Mr. Lawlor: I know, but I think somebody should challenge them on occasion and see what happens. If this is so, I think you could take a *mandamus* and force them to let you in. Or at least launch something before the judicial tribunal.

In any event, I do not think it has ever been tested. It goes by default; no one tries to get into court. Many times I have been there and no one appears. But this is true of courts generally; the courts are not full of spectators except on rather notorious matters. There is nothing to be said one way or the other about that.

But the very fact that Judge Langdon took this particular action, I think, is deserving of some degree of investigation as to his precise reasons therefor, particularly in the total context of events as have emerged for us this afternoon. This man is in a curious and peculiar position *vis-à-vis* the law generally. He apparently parades a certain rapport with the judicial process, whatever it may be. If we are going to investigate what precisely these relations are, this is one instance in point where something a little out of the ordinary took place, and which would fall within the purview, in my opinion, of such an investigation. Thank you.

Mr. Chairman: Mr. Trotter.

Mr. Trotter: Mr. Chairman, I was wondering if the Attorney General, or his staff, could tell me if there have been very many cases

—if any other cases—that have come before the juvenile and family courts in which children have not been involved? Are there very many?

Hon. Mr. Wishart: Yes, we have directed judges to hold these in juvenile and family courts, family altercations; altercations, even, between neighbours.

Interjections by hon. members.

Hon. Mr. Wishart: What is the interest of the public in altercations between husband and wife? Or between the man next door with the wife of the man next door, or the man next door? We have said to the judges: "You can handle these in the family court."

Mr. Trotter: When I have been in provincial court—

Hon. Mr. Wishart: This has been our policy.

Mr. Trotter: I know that in the former magistrate's court, what are now provincial courts, they are certainly hearing the family squabbles in public, day after day.

Hon. Mr. Wishart: Do you think this is good?

Mr. Trotter: It may not be, but it seems to be the custom—

Hon. Mr. Wishart: Again, the discretion of the court is to be exercised here.

Mr. Trotter: In this particular case before us now, I only know what I read in the newspapers or what I have heard in the Legislature or heard in this committee. And just from my own general knowledge of the court, I am sure I would come away with the view the general public must get, that a wheeler-dealer made a cosy deal with the administration of justice. This is the opinion I get.

Hon. Mr. Wishart: It was the judge's decision, and I do not think there was—

Mr. Trotter: Well I think there must be more to it than that.

Hon. Mr. Wishart: No, there was not.

Mr. Trotter: I would just say that I hope the Attorney-General will have an open inquiry.

Hon. Mr. Wishart: Mr. Chairman, I am prepared to. There was some reference made to a reporter, or reporters, who were refused

entry. Now I think it is quite clear that the general attitude toward juvenile family court is that the judges generally hope that they will be held without a public assembly in front of them.

I am quite prepared to see these reporters, but I do not think there is any place in this committee for them to come forward and give evidence; it is not that type of situation. But if these reporters wish to come and say to me, which I do not think they will, that they were refused, I would be glad to have that, because that is not the evidence I have from the crown attorney. They may have got an impression that the judge does not favour public in the court; that is a different thing from being told they cannot enter. I am quite prepared to see them, and I say this quite openly.

I agree very much with what the member for Lakeshore has said, that this is a matter in which the judge has discretion. As I say, we have encouraged judges, in the case of matters involving families, family squabbles, or family disputes with their next door neighbours or within the family, to hold them away from the focus of the public spotlight, because we think there is no great gain to be made by doing otherwise.

Mr. Chairman: Mr. Trotter, have you finished your questioning? Then Mr. Shulman.

Mr. Shulman: I just want to ask two questions. How many police officers, how many OPP officers, have visited Mr. Duke's home? How many times have these individual officers visited?

Hon. Mr. Wishart: Surely the hon. member does not expect me, sitting here—

Mr. Shulman: Have you not done any investigating?

Hon. Mr. Wishart: —to answer that question.

Mr. Shulman: Have you done any investigation of that matter?

Hon. Mr. Wishart: No.

Mr. Shulman: That is all I wanted to ask you.

Hon. Mr. Wishart: No, but is that a reasonable question? Perhaps some information could be obtained, but certainly you should not expect an answer to that at this time.

Mr. Chairman: Mr. Bullbrook.

Mr. Bullbrook: I just wanted to make comment on the fact that I see and hear a fallacy in the attitude, the policy expressed by the Attorney-General in connection with the administration of justice through the family division; That is this; that where you have a complaint lodged, or information laid, by a wife against a husband or by a husband against a wife, or you have a matter involving a juvenile, on the very face of it that matter should be transported within that jurisdiction.

But when you talk about intra-family difficulties, there is no evidence before the court to exercise the discretion that you are talking about. In this policy you are just inviting people to do the very thing that we are complaining about. If I do not want some matter held under the public scrutiny, I am to go before the provincial judge and I am to say: "I think there is some hanky-panky going on between Mr. Brown and Mrs. Smith. We had better go down to the family court."

The point I make is this: I could see some validity in the attitude and policy if, during the course of the trial in the provincial criminal division, it became manifest through the evidence that this was an intra-family matter, and the interest of justice would be best served. But taking the best light that we could put upon this from the point of view of the learned provincial judge, it is that he was precipitate in his actions. He did not have any evidence before him that it really was a family matter. I just invite your consideration that you might reconsider your policy. That the learned judges might well be told that if they see evidence before them that would justify the removal of matters to the family division, but not on the basis of some rumour, which of course now is categorically denied by the complainant in the situation.

Mr. Lawlor: May I ask a question, Mr. Chairman?

Mr. Chairman: Yes, all right.

Mr. Lawlor: Does this apply to the case when the crown attorney visits the judge in chambers prior to the event and informs him of the situation? Do you think that is legitimate? Saying it is an intra-family matter?

Mr. Bullbrook: There might be some validity there. I do not know if there is information along this line here that would make me bend somewhat. I still really think though—no, I think there is some validity in what you say; that some of these matters are better handled, frankly, from the point of view of the people involved, by transporting them to family

court. I am concerned that a general policy giving this discretion without some evident substantiation can lead to this very problem that we are debating tonight.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Chairman, I would like to ask the Attorney General these questions. Number one, is the suggestion or the statement of fact made by the member for Sarnia and others, that this matter had originated in the ordinary provincial court and had been there at least once, possibly more times than was remanded, in fact correct?

Mr. A. R. Dick (Deputy Minister of Justice): There were remands.

Mr. Singer: There were remands, and those took place in provincial court in the first instance?

Mr. Dick: Criminal division.

Mr. Singer: Criminal division, yes. All right. Now then, I asked the member for High Park if he would let me have a quick look at the transcript—

Hon. Mr. Wishart: May I answer the first question that you asked me?

Mr. Singer: I suspect that the Deputy Attorney General's answer—

Hon. Mr. Wishart: I want to enlarge a little bit on it. From the report of the crown attorney, which I obtained on December 30, 1969, he said this:

As this matter indirectly involved Mrs. Duke, her relationship with Mrs. Citron, and Mr. Duke's feelings that Mrs. Citron was interfering with his domestic life, I felt—

This is Mr. Latimer speaking.

—I felt that the matter should be properly disposed of in family court.

Mr. Hennessey—

That is counsel for Mrs. Citron—

Mr. Shulman: Hennessey is counsel for Duke.

Hon. Mr. Wishart: For Duke, rather.

Mr. Hennessey, counsel for the defendant, the accused, and I felt that the matter should be properly disposed of in family court; and Mr. Hennessey and I attended upon His Honour, Judge Langdon in chambers, and discussed the matter, and his Honour indicated that he was satisfied that it should be transferred to family court and consented thereto.

Mr. Singer: Without the acquiescence or knowledge of the complainant? I gather from the transcript that the complainant was not represented by counsel.

Hon. Mr. Wishart: The Crown is acting on behalf of Mrs. Citron.

Mr. Singer: All right.

Hon. Mr. Wishart: He went on to say:

I explained to Mr. and Mrs. Citron that it would be transferred to family court. My reasons for doing so were not in any way to protect Mr. Duke, but my feeling that as Mrs. Citron was in a nervous state, it would be best for her as complainant, also due to the fact that it involved indirectly Mrs. Duke. On these grounds alone I felt the matter should be disposed of in family court.

Mr. Singer: That is fine. Now I say that the very—

Mr. Chairman: Just a moment, Mr. Singer.

Hon. Mr. Wishart: That answers, I think, the hon. member's question—

Mr. Singer: No, it does not answer my question.

Hon. Mr. Wishart: If you will allow me to finish. That answers the question as to whether this was in the criminal side of the court, where the same judge sits with jurisdiction, and why it was transferred to the family court.

Mr. Singer: Can I continue, Mr. Chairman?

Mr. Chairman: Yes, Mr. Singer, carry on.

Mr. Singer: The fact is that it started in provincial criminal court. It was transferred to the family court as the result of a private interview attended by the crown attorney, the solicitor for the defence, and the judge. The strange fact, Mr. Chairman, that appears from the transcript, is that once it got into family court, there is no mention at all of the fact that any such consultation was held, or that any such decision was made.

With great respect to what you read from the statement of the crown attorney, I say this is a self-serving statement. It is a statement made by the crown attorney to justify whatever he had to do, and whatever he did. There was no opportunity, and strangely enough, there is no mention in the transcript at all, that this unusual procedure had, in fact, taken place. Mr. Chairman, I do not want to put forward self-serving statements

on my own behalf, but I have been a member of the bar of the province of Ontario for some 23 years now, and never once in my experience has an intra-family matter been transferred from the criminal courts into the family court, at least without some reference to the reason for that transfer taking place being inserted in the record.

I just do not understand, and in my mind, Mr. Chairman, the difficulties this Attorney General gets into time after time after time, arise because he feels he must justify every action taken by every judge and by every crown attorney.

An hon. member: He did not do it for Bannon.

Mr. Singer: You could have avoided all this nonsense by saying, "The judge did it. He, maybe, exercised his discretion wrongly. Perhaps I would not have done it. However, he did it and did it wrongly." If you had not tried to build up this indefensible case of defense—

Hon. Mr. Wishart: I will take your word for this.

An hon. member: Yes, all right.

Mr. Singer: —then you would have been out of the hot water. I say you are defending the indefensible. There is just no reason for this and it must arouse suspicion, as the member for Parkdale has said. The member for High Park and the member for Sarnia have said that something happened that was unusual, and it happened to protect somebody who had an unusual kind of approach to those persons, the judge and the crown attorney charged with the administration of justice. For that you stand condemned.

I am not going any farther. I do not see any purpose, particularly, in having the judicial council or a public inquiry sit down and do the same thing in coming to what I think would be that inevitable conclusion. I think you stand condemned for that and I think you stand particularly condemned for trying to defend the indefensible.

Hon. Mr. Wishart: Mr. Chairman, may I just say this—one further fact, that Mrs. Citron in her letter to me—I have it here but I will just paraphrase her words, I am quite familiar with the letter—she said, "I agreed with Mr. Langdon; I did not want publicity." That is what she said.

Mr. Singer: It is not a matter between the litigants. It is a matter in the public interest—

Hon. Mr. Wishart: Okay; right!

Mr. Singer: —as to whether court cases are held in the open.

Hon. Mr. Wishart: Fair enough. As to the charge that I always defend the judges and crown attorneys; I think I do when I feel they are doing their duty fairly and honestly and sincerely; perhaps, sometimes, not the way that another judge might have dealt with the matter or the way that, perhaps, I might think might have been done. But if I think they are doing their duty honestly, capably and reasonably, I do defend them and I shall continue to do so.

As to the charge that I always defend them, I would tell the hon. member for Downsview that I had the very distasteful and difficult task—I think probably one of the first times that it has been done—to prosecute Mr. Justice Landreville, a judge of the Supreme Court of Ontario, something I did not enjoy doing. I referred to the judicial council Judges Bannon and Guardhouse for their conduct, something which I did not relish doing; and Judge Kurata. I do not defend judges when I feel that their conduct is such that it will lower the image of the administration of justice. I make no apology for my conduct in defending judges I think are honest and trying to do a decent job.

Mr. Bullbrook: Again, may I say something in that connection? After dealing with you for two and one half years, one does not necessarily come to a conclusion otherwise, but one must say this to you and most respectfully. One wonders whether you look at both sides of it. Really.

Hon. Mr. Wishart: One cannot prosecute judges without looking at the other side of it.

Mr. Bullbrook: All right. Then one has to say to you, Mr. Attorney General, through the Chairman, why did you not talk to Mrs. Citron? I am going to get into this further in discussions of police commissions, in discussions of dealing with police themselves; the question of the responsibility of your officers in looking at both sides.

I think—and far be it from me to attempt to convey the thoughts of my colleague from Downsview, he is much more able than I—but the point we make is this: What we want to be assured of is the fact that both sides are heard. If you had come to this chamber and said: "I spoke to Mrs. Citron. I looked into her allegations." I do not know whether you could have spoken to the reporters because I do not know whether they communicated with you, sir, so I cannot say that.

What I take strong objection to, Mr. Chairman, is that when you are investigating the conduct of a judge, we seem always to have great dialogue with the judge.

Hon. Mr. Wishart: Let me interject, Mr. Chairman. I had no conversation with the judge. I had no conversation with the crown attorney. I got reports from the crown attorney. I got a 20-page statement, I think, a letter from Mrs. Citron. I did not talk to any one of them. They were all treated the same.

Mr. Bullbrook: Then it boils down to this and perhaps I am being unfair. If I am, I am subject to due chastisement, but I really think the bothersome thing is that when investigations are done—I harken back to Brantford and I am going to talk about Sarnia—when investigations are done, the citizen has to be involved in these investigations. Not just the police and not just the crown attorney and not just the judge. I must say in fairness and most respectfully to you that a 20-page letter from Mrs. Citron is not good enough. A 20-page letter does not tell you, in my respectful opinion whether Mrs. Citron, in the vernacular, is what I call a “nut-girl”. Do you understand what I mean?

Hon. Mr. Wishart: Maybe you should read the statement.

Mr. Bullbrook: The cranks that we get day in and day out and I am sure you must get them in your particular portfolio. I think, therefore, there has to be this responsibility to look into the personal equation involved in these situations, to evaluate, really, the temper and the temperament and the persuasion of the individuals involved. That is why I still have reservations about this whole matter. I really do.

I am not content at all that the interests of justice are served by leaving it right here at this. It might well be that the explanation given, Mr. Chairman, by the crown attorney in liaison with the defence counsel and in discussion might well be adequate. I think the member for High Park might say that. It might be quite a valid reason, but the fact is that we have got to know this on more than just their words.

Mr. Chairman: Mrs. Renwick.

Mrs. M. Renwick (Scarborough Centre): Mr. Chairman, I would like to ask the Attorney General, and point out to him, that needless to say many people entering suit would like to think that they could have the use of a family court. Certainly this has not been

public knowledge, that I know of. I certainly have not had access to family courts at Jarvis Street although I was given *carte blanche* by a judge after I had attempted to enter court. But I think, Mr. Chairman, that a department of justice can have only one set of rules and that has to be available to all people.

Hon. Mr. Wishart: Mrs. Renwick, you have raised a point which I think I can clarify immediately for you.

Mrs. M. Renwick: All right. The question that comes to my mind is that it is solely the decision of the judge.

Hon. Mr. Wishart: Right!

Mrs. M. Renwick: Is there any way that the parties could have any prior knowledge of these cases that the minister referred to, previous cases, being tried in family court in this fashion? I would think it would be interesting to know to what extent that has been used. Were the press barred from all of these cases? Or are these types of cases, when they are in family court, open to the press?

Hon. Mr. Wishart: This is a matter which I must make clear to you immediately. It is not a matter which is at the discretion of the litigant and I think this has, perhaps, begun to appear from our discussion. It is a matter for the discretion of the crown attorney and the judge; the court, as happened here. The litigant cannot say: “I want my case tried.”

Mrs. M. Renwick: Or “May I”? Mr. Chairman, is the litigant even in a position to say, “May I”?

Hon. Mr. Wishart: The litigant can ask the Crown, “I would prefer not to have publicity”, as Mrs. Citron did and “I would like to be in the family court, I only want protection. I do not want this man to bother me and my husband any more.” He discusses it with the judge and the judge exercises discretion.

That is what is happening. It is not at the discretion of the litigant. It is not the decision of the litigant to do more than make that plea. What was your other question?

Mrs. M. Renwick: About the press; would they ordinarily be allowed to enter family court? Have they been allowed in the past, Mr. Chairman, for these cases that have been tried in this fashion?

Hon. Mr. Wishart: I have mentioned before this evening that there are provisions in certain of our statutes—I think it is The Child Welfare Act, The Juvenile Delinquents Act—that these are to be tried without public audience.

Mrs. M. Renwick: I think we are all aware of that, Mr. Chairman. I am not talking about those kinds of cases. Mr. Chairman, we are talking about the kinds of cases that the minister outlined earlier.

Hon. Mr. Wishart: And I have said that while there were no juveniles involved here, if the reporters care to come to me and say to me in firm and definite language that they were refused, then I would have some reason to—

Mrs. M. Renwick: Mr. Chairman, with all due respect, the minister has not answered my question, which is really—

Hon. Mr. Wishart: What is the question?

Mrs. M. Renwick: Have there been reporters in family courts trying this kind of case? Not the family court cases that are under The Child Welfare Act and under the other protective acts for juveniles. What I am trying to establish very clearly, Mr. Chairman, is were the press kept out of this case when they have been in family court for similar cases previously?

Hon. Mr. Wishart: Your question I take it is, or the question was, has the press been refused? What cases are these? I do not know statistics. I have no knowledge of any number of cases to which the press have been refused or admitted. I have never had a complaint from the press that they were refused entrance to a court where they were entitled to go.

Mr. Lawlor: What of the Hamilton case?

Mrs. M. Renwick: Does the minister say that when a case of this kind has gone into family court prior to now, that the general public has been excluded? Correct?

Hon. Mr. Wishart: No, not that I know of.

Mrs. M. Renwick: We have family courts that do exclude, where children are involved in cases—

Hon. Mr. Wishart: When the statute calls for it.

Mrs. M. Renwick: —but that they do not exclude either public or press if they are trying one of these other kinds of cases. That is what I want to establish, Mr. Chairman, very clearly.

Hon. Mr. Wishart: In reply to the question of the member for Scarborough Centre, the judge, under the Criminal Code, in any case has the discretion to exclude the public.

Mrs. M. Renwick: To exclude the public?

Hon. Mr. Wishart: Right.

Mrs. M. Renwick: And to exclude the press?

Hon. Mr. Wishart: The press is the public.

Mr. Chairman: Anything further Mrs. Renwick? Mr. MacDonald.

Mr. MacDonald: I want to go back, briefly, to some earlier comments of Mr. Singer's. In his presentation in the leadoff this afternoon, he made a case that, quite frankly, I would go along with practically the whole way—namely, the threat of organized crime, the ill-gotten gains that can be gotten from bookmaking and the manner in which these are used to buy influence in courts, with the police, and indeed, without making any specific charges in the instance of Ontario, with politicians. There are tomes that indicate what a significant proportion, amounting to millions of dollars, is spent for that purpose. In light of that presentation, what puzzled me was the illogic that appeared in his argument tonight.

Hon. Mr. Wishart: There are no tomes of that nature in Ontario.

Mr. MacDonald: Well there are tomes which indicate that the kind of thing that went on in the United States is obviously over here too, although there have been no tomes with regard to Ontario, certainly as yet.

But I want to get to the illogic of Mr. Singer's position tonight, because it seems to me to be on the surface, and since it is on the surface it should be clarified and dismissed. You have exactly that kind of pattern emerging in this case.

A man who was clearly engaged with the Mafia, who has very close contacts with top officials in the OPP—therefore, you have precisely that kind of relationship—indeed, in this particular court case, received special favours. The judge was quoted in the Hamilton paper by one of the newspapermen, who may be responding to the Attorney General's

request or offer that they should indicate that they were barred from the courts. Indeed, on the surface of it, the defendant did get special favour, and something more than that if they went from the criminal court to the family court; that in itself looks like a favour.

So I do not think one needs to try to translate what was said this afternoon into charges; we do not want to get to the stage of translating it into charges. What we want to do, is to clarify whether or not people whom the Attorney General concedes have had contacts with the Mafia, and who, there is a growing body of evidence, have very close relationships with top OPP officials—we want to clarify whether or not that has any further significance. And I think it is a legitimate clarification, because it is precisely the kind of thing that Mr. Singer was talking about this afternoon.

What Mr. Shulman has presented, it seems to me, is in effect a documentation of what can happen in the province of Ontario on the basis of the general assertions that were made by Mr. Singer this afternoon. We do not, at this stage, need to go through translating it into charges.

Hon. Mr. Wishart: No, and I would hope that you do not leave the implication, because Judge Langdon tried this case in juvenile and family court, there is any suggestion that the accused, Duke, was exerting any influence on the court.

Mr. MacDonald: I am not leaving any implications or making any charges, but I think there—

Hon. Mr. Wishart: I hope not.

Mr. MacDonald: —is a solid case being presented to you, sir, for an investigation to clarify this situation.

Hon. Mr. Wishart: But you are not implying that that is the case.

Mr. MacDonald: I say there is need for an investigation to clear up the whole thing, if for no other reason than, as the hon. member for Sarnia has said, to protect the integrity and the prestige in which the OPP has generally been held.

Hon. Mr. Wishart: The OPP had no part in this case.

Mr. Chairman: Mr. Shulman.

Mr. Shulman: Yes, I just want to clarify one point, as the Attorney General suggested that this was held in the family court partially

at the request of Mrs. Citron. I have Mrs. Citron's letter to the Attorney General, and it is not 20 pages, it is eight very brief pages.

Hon. Mr. Wishart: It is a statement I referred to.

Mr. Shulman: You said the letter.

Hon. Mr. Wishart: Statement.

Mr. Shulman: Well then I quote from the letter to the Attorney General:

Nobody wants publicity and I went along with Mr. Latimer on that point because he pointed out to me in his office, in the Burlington court, since Clinton Duke was pleading guilty anyway, the outcome would be the same.

Now as Mrs. Citron has stated to me, she went into the office with no thought of such a matter having to go to family court. It was put to her and suggested to her that this would be advisable by the crown attorney and she went along with him, pure and simple.

Mr. Chairman: Mr. Lawlor.

Mr. Lawlor: Mr. Chairman, I want to return to the theme of the way in which the Attorney General exercises, or views as I see it, his role and function precisely as Minister of Justice. This Attorney General, in my opinion may emerge as one of the great Attorney Generals of this province. His position up to now, the reforms that he has made in the law, win my accolades without any question. He seems to be losing his reforming thrust and bringing in housekeeping measures.

Hon. Mr. Wishart: Wait until you see The Judicature Act.

Mr. Lawlor: Well we will see a bill on an ombudsman very soon now, I suspect, and that will ring down the curtain of the reform and we will bask in the sunlight of complete justice in the province of Ontario.

Nevertheless, and I say this with real deference, it seems to me that the Attorney General is much too jealous to safeguard the interests of the noted established authority. This is what the member for Sarnia went after.

It is his tendency always, as we see it on the other side of the House, to lean toward some kind of protectionism, and certainly as with all members of this moribund government, there is a high degree of defensiveness in all instances. Whenever he feels he is under attack in respect to legitimacy, there is a

tendency forever to backup, forefend, cosset and coddle the positions of those whom he feels he must protect much like a mother hen. He spreads his wings over the whole establishment, over everything that exists, and seeks to protect it from critique and criticism however legitimate it may be.

That is not in the interest of the administration. It is not in the interest of the exalted position that he holds—written into legislation by us under The Administration of Justice Act, two years ago. These powers were clearly defined as having a degree of transcendence over the whole public realm, where he can take an attitude of impartiality—which is another name for justice—over these affairs, govern them suavely. And in every instance, rather than having an open hand in this, and saying: "Let us scrutinize it, let us place it up for full public enquiry"; he retires, he swaddles it as much as he can—in a very diplomatic way, admittedly—but in terms of the ongoing public weal and in terms of what may emerge, in terms of the relationship between the bench on one side of the fence and litigants who appear before him, or accused persons. In these areas there is an overbalancing in favour of whatever happens to be enconced, whatever happens to be there. I detect the flavour of this most definitely in this particular context.

It can hardly be argued whether Judge Langdon would be influenced in any way, and I doubt sincerely that he would. The crown attorney comes into his office with the defence counsel, and after all the judge relies upon them; he does not know the facts in the case—he knows very little about it. He relies substantially upon what crown attorneys have to say, and what they think is the best thing to do. It is his obligation to enquire a little beneath the surface—to see whether that disposition is in accord with the norms of justice, which are not written down, but are understood by all of us.

In this particular context there is a real question—not just a question of this experienced judge—of a mistake being made; it goes slightly beyond that. There are other things working here, and again I return to the total picture of the things having to do with this man Duke. The surrounding circumstances are most invidious and personally, as I listen to the debate go on, I become more convinced that this matter—not as a separate mistake matter—does not rise to that moment of importance. Nevertheless, it must fall within the terms of an overall survey of the activities that went on, touching this person

in conjunction with the law courts of this province, all the dimensions.

Mr. Chairman: Mr. Minister, then I have two more speakers.

Hon. Mr. Wishart: I think I can be brief in reply. I certainly thank the hon. member for the very fine compliment he paid me. I will not dwell on that.

Mr. Singer: You and he should go out and pat each other on the back some more.

Hon. Mr. Wishart: I would say to him, if he came to this office, he would have to then take into account this: That if he is to hold up to public inquiry the conduct of a judge in a matter such as this, where he exercises discretion—I think reasonably, sincerely and honestly—he has to weigh the effect on the administration of justice, the long view, by and large.

I do not think that when a judge—I have mentioned the names of three or four who were brought before such judicial councils or public inquiry—I do not think at the moment it improves the image of the administration of justice, if judges on the bench are charged with conduct of such a serious nature it leaves no choice for an Attorney General but to bring them to that bar of inquiry.

One would have to weigh here when he says a broad survey. I think, sitting in this office, one has to say the judge here has exercised discretion; has he been guilty of misconduct? Has he been guilty of incompetency? Has he shown inability to carry out his judicial duties? On those grounds, one would bring him to that very great trial.

I think one then has to say what is this going to do to the administration of justice? I think it does not help the administration of justice except that if dishonesty, misconduct of that serious nature, is occurring on the bench, then one must do it, and I think in the end the administration of justice profits; it is improved. But this type of case—I am sure the hon. member was very fair—and I think if he weighs matters very thoroughly in his mind, I think he will not say that I should bring the judge in this particular case before public inquiry on this matter. I simply say I will not do it.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Chairman, I want to address myself very briefly to the remarks made a few minutes earlier by the hon. member for

York South. I do not think I have been inconsistent in the remarks I made earlier this afternoon. I did not suggest that there be an inquiry or a royal commission. My criticism is directed to something I honestly believe has been a lack of performance and lack of proper determination by the Attorney General and by the government which he represents.

I think the facts I put forward in support of that argument speak for themselves. In fact, I think the people of the province of Ontario will agree with me. The Attorney General chooses to disagree and in due course we will see who the people agree with, whether I am right or he is right. I think I am right.

I think it is reasonable, at least to me it is reasonable, that we can dissociate the two parts of the remarks made by the hon. member for High Park. I do not think anything is going to be gained by further berating the judicial incident. I am now, if I had any doubts before, definitely of the view that the judge acted wrongly; that the crown attorney acted wrongly; that this smacks of favoritism. The fact that the public record discloses no indication of what went on behind closed doors leads one to believe that something happened out of the ordinary to give this particular man some special favour. The Attorney General chooses not to accept that.

I think, again, facts will speak for themselves. The public will be able to judge because this matter has had substantial airing as to whether or not the Attorney General is right and the judge was right and the crown attorney was right. I think the crown attorney and the judge were quite wrong and I think they stand condemned. I think the Attorney General, in saying that the action was reasonable and sincere, is asserting an opinion with which I cannot agree. I am not suggesting that the judge was dishonest. I think he made a serious error in judgement.

Hon. Mr. Wishart: Judges often do.

Mr. Singer: Yes, they often do. I think the Attorney General is much more seriously wrong when he attempts to defend them.

The other point which I think is of substantial importance relates to an inquiry into the conduct of the Ontario Provincial Police. Before I would associate myself with a demand or question for that kind of inquiry—which I recognize by its very nature implies that there is serious doubt on behalf of whoever orders it and whoever supports it, of the integrity of our police force—I want to

be satisfied beyond the extent I am presently satisfied, that that kind of request or demand is justified.

I listened very carefully to the remarks of the hon. member for High Park. At this point in time, 9:25 this evening, I have not, as yet, heard enough to satisfy me to join in the request for a public inquiry into the conduct of the Ontario Provincial Police. As I said earlier this afternoon, I like to think that our police forces in this province are honest and capable. I have thought, and up to this moment I think I continue to think, that the Ontario Provincial Police force is one of the best in North America.

On the other hand, I have no closed mind on this at all. I would urge the member for High Park to expand on the second phase of the argument—whether or not it is worthwhile that I be convinced, I do not know, but I would hope that he would think that it would be—for his request for an inquiry into the conduct of the Ontario Provincial Police. Because if there is some addition of evidence on which we can base the assumption that because of the association of senior police officers with known criminals the course of the administration of justice and the course of police work is being prejudiced, I would be happy to join with the member in that request. Up to this moment, I have heard some things that have raised a few question marks in my mind. I am not prepared, as of now, to go along with the demand or the request for an inquiry that I think, on the basis of what I have heard today, would be nothing more than a fishing expedition but hopefully might turn up something.

What I am urging, really, Mr. Chairman, is that if the member for High Park, or anyone else, has sufficiently more information to expand upon this argument, I think it is a very important one, that hopefully will convince me and others who might think as I do that this demand or request for an inquiry is worthwhile, recognizing that once we as responsible members of the Legislature join in this demand for an inquiry, we are suggesting *prima facie* at the beginning that we have serious cause to doubt the honesty, the efficiency and trustworthiness of one of the most important police forces in this province.

Mr. Chairman: Mr. Shulman.

Mr. Shulman: I am sorry the member for Downsview sees no need for an inquiry. Fortunately, I am pleased; I see at least some of his colleagues in his party agree with me that

there should be an inquiry. But the question I wanted to ask the Attorney General is this: The senior police officers who had become friendly with Duke, were they aware of his connection with the Mafia, and if they were not aware of his connection with the Mafia, how could it be that senior police officers of the OPP, including the commissioner, would not be aware of this?

Hon. Mr. Wishart: At this point I do not know, Mr. Chairman. Having heard this only short hours ago, I do not know. I have not been in contact.

Mr. Dick: You can say that the commissioner of the Ontario Provincial Police knew nothing about his background at the time he associated with him.

Hon. Mr. Wishart: I think Mr. Dick made it clear, in his comment about the suggestion that the commissioner was friendly with Mr. Duke, that at that time and as he reported to us immediately when he found out he did not know of the background.

Mr. MacDonald: When did the Attorney General's department become aware that Duke had been in association with the Mafia?

Hon. Mr. Wishart: I cannot give that with accuracy until I go into my files.

Mr. MacDonald: Well, would it be two, three, four, five, six years?

Hon. Mr. Wishart: No, no. It was in connection with this case that we became aware of it.

Mr. Shulman: You mean you did not know before the case?

Hon. Mr. Wishart: I did not know. I mean, Mr. Duke is like many other people in this province, who do not come to my attention until they come into the limelight through some reason or other—

Mr. MacDonald: You said your intelligence was good. Let me pursue this for a moment, because what Mr. Trotter—

Mr. Chairman: Just a second, please, Mr. MacDonald. Are you through, Mr. Shulman?

Mr. Shulman: Yes.

Mr. MacDonald: This is the thing that disturbs me most in the proposition, that it is at least highly improper that OPP top officers should be in friendly association with a man who for so long has had associations with the Mafia. I do not think the Attorney General

will for one moment dispute that. So the very nice question is, if the Attorney General knows now—presumably he got this from the police—when did the police learn, since the involvement of Duke with the Mafia is a matter of—how many years back—about 20 years?

If their intelligence is good, they must have known for quite some years, and if it is a case of just two or three years, they must have been aware in the last two or three years of Duke's association with the Mafia. That being the case, why are they engaging in such friendly social relationships with the man?

Hon. Mr. Wishart: Mr. Chairman, the hon. member implies, or sort of takes it as a premise, that there was a long association by Duke with the Mafia. I do not know whether the police do go around looking into the background of every citizen. It is possible that some information had come to light, but he says to me as Attorney General, "When did you know this man's association and background and history?" It was when this case came to light.

Mr. MacDonald: I would think in this instance, Mr. Attorney General, it is your responsibility to inquire and find out when the OPP first became aware of it—

Hon. Mr. Wishart: Yes, I would think so.

Mr. MacDonald: —if they were aware of it for some years—and since his association has been for 20 years back—then the fact that top OPP officers were in such close association with him, socially and otherwise. He boasts that he had a top OPP officer transferred from London to Burlington. Now this may mean nothing, because this type of person does an awful lot of public bragging.

Hon. Mr. Wishart: I am not sure that that is an established fact either.

Mr. MacDonald: Right. I said he boasts. It may mean nothing.

Mr. Chairman: Do you have anything further, Mr. MacDonald?

Mr. MacDonald: No.

Mr. Chairman: Mr. Carton.

Mr. G. R. Carton (Armourdale): Mr. Chairman, I would like to point out one thing. I have never read the transcript of evidence or, as a matter of fact, heard too much about this case. But this transcript of evidence, just on the face of it—and this happened, incidentally, in magistrates court; I am sure of this,

and I do not know how busy they are up there—but it would seem—and I am not being critical, because I know the problems the crown attorneys have—it would seem to me on the face of it that the crown attorney was really not that well informed on this case. Perhaps this is the reason for the plea he made to the judge for transfer to the family court.

He asked four questions, according to the transcript of evidence, one suggesting that the Dukes were separated and they were not; the second was the suggestion that Mr. Duke was drinking and he was not; and the third one was the fact that it was a starter's revolver and it was not. So out of four questions, there were three questions wrong. So I would suggest it would seem on the face of it he was not that well informed on the case. This may have been what led the judge to make his decision.

Mr. Chairman: Mr. Trotter.

Mr. Trotter: Mr. Chairman, I just want to underline that I think there are a number of things wrong with the Duke case. The matter that I think is extremely serious is simply that the OPP either did not know about Mr. Duke, or if they did know they associated with him in a way that is highly dangerous to the public.

I think we have to bear in mind that if we are not at war, we should be at war with organized crime in the province of Ontario, and if the OPP is not on the alert, I do not know who will be.

This, I think, is extremely disturbing, and I do not think the Minister of Justice is disturbed enough. It may be that Mr. Silk on one occasion inadvertently met Mr. Duke, but evidently from what we can gather other officers have been at his home on numerous occasions. It is almost as if we went to the German ambassador's home during the war, or a German spy's home during the war. The police were either too stupid to know he was a spy or did not care. I would say it is a similar situation.

I cannot agree with the Attorney General when he says they have a good intelligence unless—and this may come out—the officers knew all the time who Mr. Duke was and at the same time were appearing to be his friend and trying to find out what was going on. But it would be a most unusual performance for officers in the force.

So I think if this is any indication of the intelligence service in the OPP, they need a big overhauling.

Hon. Mr. Wishart: Mr. Chairman, I would just like to say, and make it very clear, that these allegations of other police officers—I think we have dealt with the Silk—

Mr. Trotter: I excuse him; I do not worry about him.

Hon. Mr. Wishart: These other allegations, these are only allegations made here today and I certainly shall look into them, let me assure this committee of that.

Mr. Singer: Well, quite apart—

Mr. Chairman: Order! Mr. Lawlor.

Mr. Lawlor: Mr. Chairman, what I would like to know, and what concerns me, is where and when are all these questions going to be answered? Either they are going to be answered during the course of these estimates or they are going to have to be answered in some form of inquiry.

I am not prepared, like Mr. Trotter, to dismiss offhand Mr. Eric Silk's position in the matter. It seems to me that a casual visit of this kind, whatever the surface semblance of reasons given for the visitation, to a man of this notoriety, who should be known to the commissioner to be a person having linkages, would be a most questionable thing on any circumstances.

If, on top of that, Mr. Johnny (The Enforcer) Papalia was present on that occasion—and the allegation is that they were there on the same day, but it was unknown to the hon. member as to whether they were there at the same time—it would be, I think, a very serious matter; perhaps not serious as things stand, if they were there together. There is no question about that. He may have been innocent *vis-à-vis* Clinton Duke, but it could hardly be said that Johnny is not somewhat well known in the province and has been for some time, stemming back to the days when they had to cancel those charters for the gambling clubs operating.

Interjections by hon. members.

Mr. Lawlor: That is right. So if their paths crossed on that occasion, I think we would very much like to know. We simply have to know. Apart from that, Mr. Duke sponsors a baseball team for the OPP. Now that may be a perfectly—I suppose a few of us sponsored baseball teams. Still, Duke, again with the background and the foreground that he has, can hardly be said to be that sort of

citizen most equipped and most qualified to sponsor OPP baseball teams. This sounds like something passing strange and more than a little questionable.

It comes back to this: Either they knew that he had these interrelationships with Gasbarrini and with Papalia or they did not know. If they did not know, then they should have known. There is no question about that. There are other relatively insignificant matters, but as criminal counsel well know in these cases, the accumulative effect of evidence pointing in a certain direction—wearing OPP tie pins and enjoying this kind of rapport with Superintendent Wilson—is that there may be some *causal nexus* existing between the removal of this senior officer from one jurisdiction into the very jurisdiction and then being friendly with a man of some notoriety.

I think if you went on—and the hon. member has made this case for well over an hour this afternoon—surely it gives rise to the most serious types of questions as to the interrelationship involved here. It simply must be spelled out. If the Attorney General is not prepared on this occasion—he had the whole supper hour in which to bring in some counter-statement as to when the Mafia made the incursions, to what extent Duke was related to him, when this relationship commenced, what are the depths and ties of it, to what extent does it involve drugs, let us say, or prostitution or gambling in the province and what is the extent and degree of this? These are all matters that we are precisely seeking to spotlight and to bring to the attention, not only of the Attorney General but of the general public. In each instance there seems to be, not inconclusive—but how can you expect anything to be conclusive—but a circumstantial relationship forming a mosaic.

The pieces do not all fit in, they may never fit in. There may be no picture to emerge at the end of the day. Nevertheless there are a sufficient number of colours already in this spectrum that we must determine, in an open and conclusive way, to the satisfaction of fair-minded people, that there is not any cahoots, any collusion or anything that can least be called into question about the operation, not of the provincial police of this province—every man is subject to some degree of maladjustment—but whether certain members of the provincial police are not performing their duties in an exemplary way. Then, certainly, the Attorney General will be the very first to agree with me that it must be brought to light and remedial action taken. Otherwise you are coddling the seeds of corruption in

your own police force. You cannot permit that and, in the face of this kind of allegation, you must obviate it.

Mr. Chairman: Mr. Shulman.

Mr. Shulman: One matter that has not been brought up here and this could be a very serious matter, is, there is one paragraph here in the letter to Mr. Wishart which has not been read. I would like to read it:

Mr. Wishart, this man told me outside my house with a loaded gun in his hand that I would not dare call the police, because they would not dare arrest him, mentioning high officials in the OPP and Burlington police; that he had so much influence that nobody would do anything to him. I believed him, because I have seen him in their company and, at one time, I attended a dinner in his house which had a judge as guest.

Now, I think it is worthwhile questioning Mrs. Citron to see who that judge is.

Hon. Mr. Wishart: Mr. Chairman, speaking to the remarks of the member for Lakeshore and the member for High Park—

Mr. MacDonald: It gets worse all the time.

Hon. Mr. Wishart: Yes, it does. We have an allegation, heard this afternoon, that Duke sponsored an OPP baseball team. Now I am not aware that the OPP have a baseball team; perhaps they do. Perhaps it is a junior team in the village of Oakville that the OPP helped to coach and train, which we encourage them to do. I shall look into that.

The member for Lakeshore says, I think his words were something like, "It may be perfectly innocent," which is sort of a damning expression. I am not prepared to defend Mr. Duke at all. Certainly I do not. I shall certainly investigate his association with the police, but it is interesting to note the last thing which appears on his record is 40 years ago.

Mr. Singer: No.

Hon. Mr. Wishart: Forty, I think—

Mr. Singer: 1942 was the last year and that is only—

Hon. Mr. Wishart: Thirty-eight years.

Mr. Singer: Twenty-eight.

Hon. Mr. Wishart: Twenty-eight or 30.

Mr. Singer: Twenty-eight.

Hon. Mr. Wishart: I thought the last—that I had on the record was—

Interjections by hon. members.

Hon. Mr. Wishart: Well, say 28. And I have heard hon. members—

Mr. Trotter: His associations were—

Hon. Mr. Wishart: I have heard hon. members argue that criminal records should be wiped out and that persons should be entitled to take part in society after a period of time. As I say, I do not defend Mr. Duke.

Mr. Bullbrook: You are twisting—

Hon. Mr. Wishart: I am not twisting it.

Mr. Trotter: A lot of people do not think it should be automatic. It should depend on their associations, covering a case such as this.

Hon. Mr. Wishart: I am coming to that.

Mr. Bullbrook: Whose turn is it?

Hon. Mr. Wishart: I was coming to that.

Interjections by hon. members.

Hon. Mr. Wishart: It is my turn.

Interjections by hon. members.

Hon. Mr. Wishart: I have heard this argument put forward. But I was going to say that I think certainly, if a criminal association continues, it is very necessary that it be investigated. This I have undertaken to do. But these allegations which I shall look into.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Chairman, I associate myself with some of the remarks made by the hon. member for Lakeshore. I think it is most important, now that this matter is here, that we get something more than the assurance of the Attorney General that he going to investigate. One would expect the least he could do would be to investigate. But I think there has to be a positive commitment that, no later than the time when we come to consider vote 911, which is the vote dealing with the Ontario Provincial Police, the Attorney General will be able to report to us the result of those investigations because this is the opportunity and the best opportunity that we have to discuss these matters fully. At the time of vote 911, there will be Ontario Provincial Police senior officials before us.

Mr. Chairman: Vote 914, I think, is the one that you are referring to, Mr. Singer.

Mr. Singer: Vote 911—I do not know. It says—

Mr. Chairman: Vote 914 is the OPP.

Mr. Singer: Vote 911 has the words Ontario Provincial Police under it.

Mr. Chairman: Okay.

Mr. Singer: Am I right, Mr. Chairman? I was only reading what is in the estimate book.

Mr. Chairman: I am sorry, I could be wrong. I thought it was 914.

Mr. Singer: I would be prepared to delay any positive statement about investigation until we reach vote 911—

Interjections by hon. members.

Mr. Singer: I do not care, whatever vote—it looks to me like 911.

Mr. MacDonald: It is 911.

Mr. Singer: Could I have the agreement of the chair and the member for High Park. I think it is 911.

Mr. Shulman: I will agree to it.

Mr. Chairman: In any event—

Mr. Singer: All right.

Interjections by hon. members.

Mr. Chairman: That will give the department at least until the fall.

Mr. Singer: Can we get a positive undertaking at that point that the Attorney General will report to us and there will be officials here so that we can hear the full explanation? At that time, we will have before us—and I am going to be very interested in reading it very carefully—the *Hansard* report of what the member for High Park said. I will be prepared to delay my decision as to whether or not I should join in the demand for an investigation.

I would hope that there is an explanation but I certainly will keep an open mind until that point, if we get that undertaking. If the Attorney General is not prepared to give us that undertaking that that report will be available to us at the appropriate time during the discussion of these estimates, then my attitude very definitely will change.

Mr. Chairman: Mr. Bullbrook.

Mr. Bullbrook: I just want to add to that some general thoughts and I suppose they add to the comments and I think, the reasonable position taken by the member for Downsview. One has to, Mr. Attorney General, through the Chairman, consider, in connection with the comments made by the deputy this afternoon, the position taken or the circumstances in which Mr. Silk found himself. Those circumstances, as I understand the allegations of the member for High Park, resulted by reason of an association by people under his jurisdiction with this very man.

I am very interested in knowing, after the protestations made by Mr. Silk—or probably that is not the appropriate word, protestations—but the liaison made by him to the deputy Attorney General, what has the commissioner done? I put myself in the commissioner's position. If I had gone to a wedding, probably at the insistence of somebody in my department, and I there became acquainted with a person whom, subsequently, I found it necessary to phone the deputy Attorney General about, I would hope that Mr. Silk has really taken some pretty drastic action in connection with those people.

In other words, if there is a Superintendent Wilson who was very close to Mr. Duke—and who really was the cause of the meeting of Mr. Silk and Mr. Duke, which led Mr. Silk to a terrible position for the commissioner of police in this province, of having to phone the deputy Attorney General to explain this, because of some public comment that might be made in the future—I trust very well, Mr. Attorney General, that he has dealt very handily with Superintendent Wilson. I hope he has.

When we get to 912 I trust that we will have evidence that he has dealt with him with due despatch.

I want to go to one other matter if I might, and that is just to return to the Duke case. I want to point this out to you and I think it was mentioned in the remarks of the hon. member for Lakeshore. As far as the inquiry was concerned, Mr. Chairman, I am really not satisfied that what has been put before us—I agree with the Attorney General, frankly—requires even a submission of this matter to the judicial council for a judicial inquiry, let alone a total public inquiry.

But what I want to express again, and as I have before, is that when I interjected the word, "twist," let it be amply clear that I do

not think the *Oakville Journal-Record* served the public weal at all by publishing that man's record. I really do not think it did at all.

I do not agree with the publication of that man's record. If they want to editorialize, fine. I do not think they really performed a public service in this connection. I hope that he paid his debt to society and that he does not have to be subject to that type of—really, in effect—defamation, as far as I am concerned.

But that is not the matter, so there is no use responding to us—and I say this respectfully—that you heard hon. members wanting to abolish criminal records after five years. I certainly do, but that really has nothing to do with what we are talking about.

What we are talking about, which is really our function here, is the question of the policy of the Minister of Justice in connection with investigating these matters. I made it amply clear before; I want to reiterate it. It is the question of when you are involved in matters of where a member of the public takes issue with the administration of justice, it is absolutely obligatory for the Minister of Justice, or his department, to deal with that member of the public. You have to.

Mr. Chairman, I invite you some time, at your leisure, to read, for example, the record in this case. It is a very interesting type of thing.

One thing comes to mind. They read the charge. They never did take a plea of guilty or not guilty from Mr. Duke—never did.

Interjection by an hon. member.

Mr. Bullbrook: Did they? Did they take a plea in the criminal division? Because they did not in this record.

Hon. Mr. Wishart: It is not a charge.

Mr. Chairman: Mr. Dick.

Mr. Bullbrook: It is not a charge?

Mr. Dick: Bound over to keep the peace.

Mr. Bullbrook: Oh, I am sorry, the court reads the charge:

You are before the court on an information alleging that on or about the first day of September—

I am reading from the record.

I am sorry, I thought there was an information sworn out against the man. Had he entered a plea of guilty in the criminal division? And he was there only for sentence, is that it?

Mr. Dick: Yes.

Mr. Shulman: No.

Mr. Bullbrook: Well, we have to get this clear then, because I certainly do not want to mislead the House in this connection. I am reading: The court reads the charge. "You are before the court on an information—"

Mr. Shulman: Pleas are not necessary?

Mr. Bullbrook: Pleas are not necessary? I do not want to make a big issue. The point I want to make is that pleas are not only necessary, they are absolutely mandatory.

Okay. When you read a charge to a person before the court they then have the opportunity to plead guilty or not guilty. I cannot find any recording of a plea in this connection.

The second thing that is very interesting is that the second question from the court in this matter is, "Do you need to go into the background?" Now, there is a wonderful invitation to a question on my part. They must have really gone into the background ahead of time, I will tell you.

And it is not just a question again of dealing with the propriety of which court, because I agreed with you before that there are times, I think, that the court must, in exercising its discretion, rely on recommendations of the crown attorney. I think it is in the interests of justice.

Mr. Lawlor: A little evidence.

Mr. Bullbrook: Yes, we would like to have a little evidence before the court in connection with the situation.

So the point I make is that, Mr. Minister, it is the policy we are taking issue with, really. On the provincial police matter we would surely and dearly like to know from Mr. Silk that he has dealt with the senior officers who have associated with Mr. Duke. You see the question of precognition, I think, is very important in this connection. A police officer must have a social life. They have strictures enough as it is and we have spoken about this before in the Legislature. He has to have a social life.

We are in the same situation. We are not always in the happy circumstance that, as we are walking down the street—and I recall meeting a chap the first year that I was elected here that I had not seen for 20 years and I sat down and had dinner with him. It came to my attention afterwards that, out of the last 24 years, he had spent 18 in penitentiary. And I grew up with him in North Bay, so you cannot always know with whom you are speaking.

This is why I say that we are prepared to accept the difficulty in which Mr. Silk found himself. We are not prepared to accept, of course, the difficulties that the other officers found themselves in, unless they can justify it.

Mr. MacDonald: But inviting Mafia associates to the wedding of your daughter?

Mr. Bullbrook: Yes, but one has to be very careful with words. Mr. Chairman, something that was very noticeable this afternoon was this. The Attorney General replied to the hon. member for High Park, and he said: "Yes, we are aware that Mr. Duke knew a certain gentleman." The member for High Park, in response to that, said: "Ah, the Attorney General admits that Mr. Duke knew the Mafia." But, of course, the Attorney General never said that. I am just saying that one has to be very careful, because inherent in this thing is an admission by the Attorney General that these people are part of the Mafia, and he knew about them. The point I make is that we have to be very careful in our discussions here as to the words we are using.

Mr. Chairman: Thank you, Mr. Bullbrook. The minister wants to reply.

Hon. Mr. Wishart: That was why I said we must not have "Shulmanisms" in my last remark around 6 o'clock.

Mr. Singer: I think every member is entitled to express his views in the way that he can best express them.

Hon. Mr. Wishart: Yes, but he must not distort the facts.

Mr. Shulman: Are you suggesting I distort the facts?

Hon. Mr. Wishart: The hon. member for High Park said he had three objectives. One of them would be accuracy, I would hope.

With respect to the remarks of the hon. member for Sarnia about the charge, I would draw to his attention the fact that this accused was brought before the court under

section 717. While the court report may have referred to it as a charge, he is really not charged. This section is similar to an application for an order to declare a person an habitual criminal, or something of that sort.

Mr. Singer: Could you read that to us?

Hon. Mr. Wishart: I shall read it; I am going to read it. Section 717 of the code.

Any person who fears that another person will cause personal injury to him or his wife or child or will damage his property, may lay an information before a justice.

That was done—I interject that.

A justice, who receives an information under subsection 1, shall cause the parties to appear before him, or before a summary conviction court, having jurisdiction in the same territorial division.

That was done. Now:

The justice, or the summary conviction court before which the parties appear, may, if satisfied by the evidence adduced that the informant has reasonable grounds for his fears, (a) order that the defendant enter into a recognizance, with or without securities, to keep the peace and be of good behaviour for any period that does not exceed 12 months, or (b) commit the defendant to prison for a term not exceeding 12 months, if he fails or refuses to enter into the recognizance.

Now, the court reads the charge. That was the complaint of Mrs. Citron—it is called a charge. Then the court said:

Court: “Is there any objection to filing the securities, Mr. Hennessey?”

Citron’s Defence Counsel: “Mr. Hennessey, there is no objection to filing securities.”

Mr. Singer: No, Hennessey is Duke’s counsel.

Mr. Bullbrook: He is Duke’s counsel.

Hon. Mr. Wishart: Mr. Hennessey is the defence counsel. Yes.

Defence Counsel: “No objection to filing securities.”

Court: “Do you need to go into the background?”

The Crown, I think, acted when Mrs. Citron was present. I think, for her sake, we should go briefly into the background. There was no

plea; there was no call for a plea of guilty. The section does not contemplate it. The request is, “Give me protection, require this man to file security.” That was done.

Mr. Bullbrook: Let the record show that I entirely agree with you, sir.

Hon. Mr. Wishart: Right.

Mr. Bullbrook: It is unfortunate that the court reporter referred to it as a charge.

Hon. Mr. Wishart: There is no plea of guilty.

Mr. Chairman: Mr. Shulman.

Mr. Singer: What about the report while these estimates are still on?

Hon. Mr. Wishart: I have undertaken already that I will check into these matters which are alleged here today and I would fully expect to make a report on that.

Mr. MacDonald: May I just intervene and raise a point about what the Attorney General is going to look into? Will he satisfy himself, and satisfy us, as to the date the OPP became aware of Duke’s association with the Mafia and then the date on which the OPP granted the licence for guns?

Hon. Mr. Wishart: I will get full information, Mr. Chairman. I certainly owe it to the members.

Mr. Singer: That information will be brought forward when?

Hon. Mr. Wishart: I have no reluctance about that at all.

Mr. Chairman: Mr. Shulman.

Mr. Shulman: I would like to clear up a point that the member for Sarnia brought up. The two questions I have are: Did the Attorney General or his department know that Gasbarrini, Papalia and Lebar were members of the Mafia? Presumably they did, because the Ontario police—

Hon. Mr. Wishart: We have files on these—

Mr. Shulman: And did they also know that Duke was associated with these men?

Hon. Mr. Wishart: I do not know that the files indicate that—

Mr. Shulman: Then my final questions, which I asked this afternoon—

Hon. Mr. Wishart: —but I will find this out.

Mr. Shulman: Did you know that he had an apartment in conjunction with Papalia?

Hon. Mr. Wishart: I will have to check that.

Mr. Chairman: Mr. Singer.

Mr. Singer: Did I understand from the Attorney General that he will report to us while these estimates are still—

Hon. Mr. Wishart: Either in committee or in the House. My estimates, I take it, are going back to the House.

Mr. Singer: Will he report to us by the time we come to vote 912? I was wrong, it is not 911, it is 912.

Hon. Mr. Wishart: I certainly expect I will have a report for you.

Mr. Singer: Now, this is a rather technical question. Could you tell me what authority there is, when information is laid under a section of the Criminal Code, to have that matter dealt with in family court?

Hon. Mr. Wishart: Judge's discretion.

Mr. Singer: Now is there an absolute discretion to a judge when he has an information before him, under a section of the code, to transfer to family court? Wherein do we find that discretion?

Mr. Dick: The jurisdiction conveyed to a provincial judge is not as a court. He derives his jurisdiction because he is given the powers of a magistrate under the Criminal Code, so on sitting as a member of the family court his jurisdiction arises from his capacity given by statute of having the capacity of a magistrate under the code.

If you look at The Provincial Judges Act you will find that the jurisdiction-conveying section is the section that states that this judge has the powers of a magistrate under the Criminal Code, and so on. In receiving the information, he is sitting as a magistrate, both in the juvenile or in the family division and in the criminal division. Therefore, when the Crown proceeds, he is sitting at one capacity at all times. It is merely an administrative feature that one judge sits in the family division and the other judge sits in the criminal division.

The ones who have been designated under the code, and so on, all have the same jurisdiction although they sit in different divisions.

So, on the presentation of the information, the judge, really is sitting as a man with jurisdiction in it, either as a family division matter or a criminal division matter.

The distinction arises in the constitution of the court and the record and the manner in which it is kept and in the rules, and so on. So, in receiving it, the judge has that discretion and merely designates in which division he will then be sitting during the matter.

Mr. Singer: In the absence of any designation by the judge—and there is no such designation in the record—has the judge any power to change his designation, in his own mind, between a remand and a final hearing?

Mr. Dick: No.

Mr. Singer: That is, in fact, what he did.

Mr. Dick: No, not during the hearing. The information was presented in the criminal division before the magistrate having jurisdiction to hear it, regardless of the division under the provincial Act, because it is a matter under the code. Of course, we cannot, by the provincial Act, change the jurisdiction conveyed under the code, so that in electing to hear it in the family division under the provincial statute, he still retains jurisdiction, sitting as a magistrate with that information before him.

Mr. Singer: Did Judge Langdon deal with this case on any previous occasion as a judge of the provincial criminal court?

Mr. Dick: In the court of first appearance.

Mr. Singer: He did? He himself dealt with it?

Mr. Dick: I believe he dealt with it.

Mr. Singer: Then can you explain to me the basis on which he put on a different hat on the day that this transcript relates to?

Mr. Dick: He heard it as a judge sitting in the family division.

Mr. Singer: But he did not even say that. He first heard it as a judge sitting in the criminal division and then, by some mysterious process, without anything being shown on the record, suddenly he becomes a judge of the family division for certain purposes. I do not understand his right to do this, and I wish you could explain this.

Mr. Dick: I do not think I can.

Mr. Chairman: Gentlemen, is there any further discussion? We have had a wide-ranging and full discussion of this for four and a half hours now and with the approval then, of the committee, that would conclude the general debate and we will go on to vote 901.

On vote 901:

Mr. Chairman: Item 1—salaries.

Mr. Singer: Until 10:30.

Mr. Chairman: Until 10:30. Until the House rises, is the practice I thought we agreed on.

Mr. J. Renwick (Riverdale): Mr. Chairman, for the purpose of the order of the business, which vote do you consider the appropriate vote for matters relating to landlord and tenant to be raised? I had a little difficulty in trying to assess where it might come.

Hon. Mr. Wishart: I think that would be public safety.

Mr. J. Renwick: Public safety?

Mr. Chairman: That is what the minister said, Mr. Renwick.

Mr. J. Renwick: No wonder I had a little difficulty.

Mr. Chairman: Vote 908, I believe, the minister said.

Gentlemen, then, vote 901, item 1.

Mr. Bullbrook: Mr. Chairman, I want to discuss very briefly something that I discussed last year. That is the question of the attitude of the Attorney General in connection with constitutional reform. Would that come under this general vote?

Mr. Chairman: That would be under this vote 901, I am advised, Mr. Bullbrook.

Mr. Bullbrook: I will be brief because I have gone into it at fairly great length—not great length but significant length—last year but what has transpired? If I might, I draw your mind, sir, back to October, 1969, when I spoke on this matter and I took the position—

Mr. Chairman: Gentlemen, please keep your voices down.

Mr. Bullbrook: It is almost impossible—you cannot really think about what you are saying.

Mr. Chairman: Would you try again, Mr. Bullbrook? We are all interested in hearing what you are saying.

Mr. Bullbrook: I do not know whether or not it is that interesting, but I want to record it again, because apparently the policy of the government has changed in this connection. Last year I spoke about this matter.

I expressed concern that the continuing committee on constitutional reform, although they were meeting, were really not involving themselves with any actual reform. At the time, the response of the Attorney General was a valid one that perhaps it is not the responsibility of the continuing committee to involve itself, but rather to structure what should be the reform eventually.

It seemed to me that this government was getting hung unduly on the question of entrenchment in the constitution itself, of a bill of rights. I felt the attitude that might be taken in this connection, although a rather naïve one, would be that we could always entrench the bill of rights and then, if we did not like the entrenchment withdraw therefrom. Basically what has happened now is that the Prime Minister of this province (Mr. Robarts) as late as some six weeks ago, when he spoke of the results of the Quebec election, was reported in the press, and I give as an example the *Toronto Telegram* of May 1, 1970, saying: "Revise the Constitution Now, Urges Robarts."

One of the comments he made at that time was that we must stop the esoteric exercise, the mental gymnastics that we involve ourselves in, seemingly on the federal and provincial levels, as to whether we are going to entrench a bill of rights into the constitution, and get down to some real work that involves a true demarcation of responsibility. Day in and day out in this Legislature, and I am sure in the federal House, we find that we cannot solve problems because of interjurisdictional overlapping.

Today I met with one of your colleagues, the Minister of Lands and Forests (Mr. Brunelle), involving the question of the provincial government's responsibility and attitude relative to compensation to the fishermen. One of the problems that your colleague finds is that the Minister of Fisheries in Ottawa is taking what could appropriately be construed as a less generous attitude than the provincial government is in this connection. The very question of pollution itself invites, Mr. Chairman, the question as to whether it should not be within the total responsibility of the federal government, simply because it is so international in its scope. We are just not solving these problems.

Briefly, as I say, I am not going to go into all the arguments that were put forward last year. I am just going to say that notwithstanding the response that the Attorney General made last year, the leader of the government now says that we must move on. "Revise the Constitution Now, Urges Robarts," "Federalism Needs Updating—Robarts," *Ottawa*, May 1, 1970. "Quebec Vote Stresses Need for Reforming Constitution"—*Toronto Globe and Mail*, May 1, 1970. You might well have been in attendance at the time of that speech.

The time has come that I do not think we can serve the best interests of this province any longer by lagging, and I think that is what we are doing. We can no longer take a passive attitude. We just can no longer afford the luxury of wasting a decade in discussion of the expatriation of the constitution itself.

And I hope I am not making coarse what really is a most refined set of circumstances, and a refined aspect of the law. I realize it is difficult, but if the Attorney General of our province and the Minister of Justice of Canada do not do it, nobody else is going to do it. That is the problem.

I say to you, as the Attorney General of the leading province, the province that every other province looks to to lead us in these matters, we look to you, your very person, and your very office and I suggest when we come back to the estimates next year that there will have been some steps made.

We were at these estimates in October, 1969. Really, I do not recall that anything significant has been done since that time. We might well get a report from the deputy in this connection. As I say, I do not want to convey, either to the public or to my colleagues on this committee, a lack of understanding and appreciation for the technical difficulties in this connection.

I think what I am asking for is this. I am asking for the Attorney General—when he leaves this session and goes down and wants to talk about matters that I am going to talk about, such as bail and other situations, with the Minister of Justice, involving the direct administration of justice throughout our nation—to say, "Mr. Minister, we have to sit down, in my opinion, at least every three months, to start getting to work on this question of constitutional reform," because it dovetails, Mr. Chairman, as far as I am concerned, with the total problems facing the people involving taxation.

We hear in the House—and with justification at times—the leaders of government, the Treasurer of this province (Mr. MacNaughton) saying, in effect, that we have burdens upon us that are not consonant with our fiscal capacity to handle. And those burdens result from a lack of delineation of constitutional responsibility.

Again, I do not want to overly simplify, but I really feel that if we get to the question of constitutional reform, and we do something about it, then collaterally we are going to resolve so many other problems. I make no bones about it and I speak only for myself in this connection. I have never discussed it with my leader, by way of example.

Off the top of my head, I think pollution should be a federal responsibility. I really think it is too large in its scope for the financial capacity, the investigative capacity, and frankly, the legal control required.

For example, in my community the province just cannot act effectively with the United States government, nor can the state of Michigan really act effectively with the province of Ontario. The whole aspect of pollution control, I believe, has to be centred as a federal responsibility.

So, Mr. Chairman, I have been brief in this respect but I want to have the Attorney General respond. Last year I made this the core of my remarks in the Legislature. The response was at that time, that "We are sincerely trying." The sincere attempts, as sincere as they might be, are not adequate, in my opinion. You are going to have to be much more active in your posture.

Hon. Mr. Wishart: Mr. Chairman, if I could reply briefly, I think I go along with much of the thinking of the hon. member for Sarnia who has just spoken. I am certainly as concerned with, and perhaps see the need for, constitutional reform as much as anyone could.

My first occasion to have some part in that was in 1964 when we sat, as Attorneys General—prior to me—and Prime Ministers of the provinces, with the Prime Minister of Canada. Mr. Guy Favreau was the Minister of Justice—the late Guy Favreau—and Gerard Langlois was representing Quebec and we tried to reach constitutional reform. We made, I thought, some considerable progress on the Fulton-Favreau formula.

That is history. You know what happened, but of late I think the present Prime Minister of Canada called a conference in 1968, in February. On that occasion, I think, Ontario,

if I may say so, did take the lead in presenting a position.

The Prime Minister of Canada seemed greatly obsessed, if I can use that word, particularly with the entrenchment of the Bill of Rights. That, of course, was referred to the law officers of the provinces, as well as the Minister of Justice of Canada. The question of the revised supreme court and some of these things have occupied a great deal of our attention, but that was the federal government's priority. It seemed to be at the top of the agenda. We spent much time on that.

I think we have been saying—and I think there is no difference in my attitude and that of my Prime Minister and I do believe in no change — we have felt that while these things were important, and while we had great difference of opinion as to what rights should be entrenched, we have made that very clear in black and white.

In the paper of February, 1968 and the paper of 1969, in which we said there are certain fundamental rights which should be entrenched, there are others that are legal rights which would be wrong to entrench and would be very difficult to change. They would have to go through a constitutional amendment, and they are not rights which should be entrenched in the federal constitution. But we have been saying all along, and vehemently, there are things in the powers and responsibilities between the provinces and the central government, which is a government of the provinces; there are changes here which are necessary, involving of course taxing power and, if you shift the responsibilities, spending power, which is unlimited in the federal level but which is very limited with the provinces. These are the things which are, if I may say, the nuts and bolts of a real constitution, and along with that, discussion, consultation and co-operation between federal and provincial government.

These, we have been trying to say, are perhaps more important subjects for determination and settlement by far, much as we agree that human rights, civil rights, the entrenchment of rights, the definition of rights, are perhaps basic to any society. If we are going to get down to the practicalities of the situation, let us get to the practicalities.

Mr. Bullbrook: Right.

Hon. Mr. Wishart: That is what the Prime Minister of this province is saying, when he says, "Let us get on with the job; we cannot run the show unless we do."

Mr. Bullbrook: All right. Are you saying, in effect, then to us, that the stone wall that you face is the federal government?

Hon. Mr. Wishart: I do not want to be placing blame. As I say, who can be against the definition of human rights? We are for it. We think they should be defined. We think, to a certain degree, those very fundamental rights should be entrenched, so that nobody may interfere with them.

Mr. Bullbrook: In reading the reports—

Hon. Mr. Wishart: So we cannot be against those. But we say that along with our discussion of rights, let us get to those things which affect us day by day—the man on the street, the province, the municipality, the federal government—so we can decide whose duty it is to look after pollution, who looks after education, who carries out the great jobs that have to be done.

Mr. Bullbrook: In reading the reports, if I might, of the secretariat and the continuing committee, of which I believe your deputy minister is the representative of the province, I do not recall any discussion or report on these practical applications.

Hon. Mr. Wishart: May I ask my deputy—

Mr. Bullbrook: Oh, yes.

Hon. Mr. Wishart: I intended to say something about the work we have been carrying on, but I neglected that and I think perhaps he will say it better than I do.

Mr. Dick: Mr. Chairman, as the members know, the Prime Ministers, in looking at the matters on the agenda at the constitutional conference, did establish subcommittees of various ministers, representing the various aspects of constitutional reform. The Minister of Justice is on the ministerial subcommittee with respect to fundamental rights and the judiciary. Other ministers of the government are on other committees related to matters such as Senate reform and other aspects of constitutional reform.

The principal difficulty that has been met—I would respectfully join with my minister in saying—is not a stonewall type of situation, so much as the problems inherent in constitutional reform, where you have 11 governments all with singular and immediate problems meeting together to understand everybody else's interests.

In the sorting out of the priorities, this has been something which has been attempted to

arrive at by establishing the subcommittees. For instance, the committee on fundamental rights met and designated certain areas upon which those ministers requested further study and research and information, so at their next meeting they might consider in detail, for instance, the implications of the entrenchment of fundamental freedoms, how that would affect our country, and how it has affected other countries. That is in the process of being done. All the provinces have contributed greatly, and at the next meeting in September this material will all be brought forward for the ministers to consider.

They will then report to the conference of Prime Ministers. The matters you speak of, with respect to difficulties, the delays and so on, have been great. I think that it is taking time; it is a refinement process that has been going to those who are participating.

Mr. Bullbrook: To yourself as well, I think.

Mr. Dick: You do find it difficult, I think. even the lawyers in this area have an inordinate urge to get things done, and I think our suggestion earlier on was to draft the constitution and then see what was wrong with it, sort of thing. But it is not simple.

Mr. Bullbrook: That was your original intention, was it not?

Mr. Dick: Which, mine?

Mr. Bullbrook: No, not yours; the policy. I thought the attitude of the government of Ontario was to take that chance, to draft the constitution and see what was wrong with it.

Mr. Dick: This was the view expressed by some of the provinces. There were other provinces that indicated quite frankly that they found no great concern with the existing constitution.

Mr. Bullbrook: Yes, without any need for reform at all, as many people do.

Mr. Dick: And other provinces took the other view, that it was absolutely necessary to start afresh with a completely new approach and completely new constitution. Now it has been the net meeting of these views and the bringing of them together that is taking the time, and this has gone on. A great deal of the work that has been done, quite frankly, of course, cannot be made public because this must go first to the ministers and then to the Prime Ministers for their approval.

Mr. Bullbrook: I record this, perhaps unfairly, for example: I would not think—and I know there has been great discussion—that the question of Senate reform is really that currently vital to the welfare of the people of this province, or the Dominion of Canada for that matter.

Mr. J. Renwick: There are no NDP members. That is why it is not vital.

Mr. Singer: That is right.

Mr. Bullbrook: But I think you will agree that what really causes one to bring up this subject year after year when you are involved almost daily in the House with matters, whereby you find the difficulties arise out of a lack of constitutional delineation. I just do not think that you should waste your time on Senate reform right now.

Mr. Dick: If I might just make an observation and state how complicated that gets. Senate reform is one thing, but then when a proposition is presented in which the Senate is given a new status in a proposed constitution—whereby it would approve of appointments to the Supreme Court of Canada, or it would approve of ambassadorial appointments, and whereby it would be for an appointed period of six years—where the Senate is given new authority, then some provinces feel before it is given that authority they should know what it is going to be dealing with.

Mr. Bullbrook: They should have some involvement.

Mr. Dick: It all ties in, then, with several other areas where provinces feel, before they consent to this particular matter, what is the Senate going to be that it is going to suddenly approve of the judiciary and in turn is going to interpret the constitution. And other provinces, particularly in the west, for instance, take a very serious view of representation in the Senate. They consider it most important, and for that reason, of course, it is worthy of consideration.

Mr. Chairman: Mr. Renwick.

Mr. J. Renwick: Mr. Chairman, in the light of the revitalization, I hope, of The Canadian Bill of Rights because of the Drybones case, and in the light of the very strong statement made by the former chief justice who has just retired, Mr. Cartwright—who, by the way, was the dissenting judge on the Drybones case—about the need for the Bill of Rights to be given that vitality, and for the judges

of the supreme court to act in the light of that Act having a vital role to play; rather than dealing in terms of entrenching in constitutional reform a bill of rights, is the Attorney General giving any consideration to preparing a companion provincial bill of rights to the federal bill of rights, as perhaps an intermediary step toward some solution of this problem of protecting the traditional civil liberties of the people in the province so far as they are affected by provincial laws?

Hon. Mr. Wishart: Mr. Chairman, that, I think, is a very good and serious question. As the members know, the hon. Mr. McRuer, in his report on civil rights, discussed this question very fully and very thoroughly. He discussed the whole question of rights, particularly in his last volume of this report. He discussed the entrenchment of rights and what rights should be entrenched. Which, I think we may say, came down pretty fully and definitely in my position in the province of Ontario. He went on to discuss and suggest that we should give thought to the preparation of a bill of rights for the province of Ontario.

I think I would have to say at this point that while we have studied that and have considered it, I think it would be reasonable to say that since we are at the point of going into the third year of discussion about the entrenchment of rights at the federal level—which would, of course, touch us all and leave getting a definition of those rights which we left to the provinces—we would perhaps take our time to prepare a provincial bill of rights and this would be considered policy until, at least, some further progress had been made in our constitutional discussions and further consideration in the Drybones case. It was a case dealing with a federal statute, the Bill of Rights, and an interpretation of what is now an entrenched part of the constitution. But it is a statute passed by the federal government.

The Supreme Court of Canada, in the Drybones case, interpreted and carried forward a long way, I think, a definition, a statement of rights. While we are considering that and have given thought to it, I think we shall not be in haste to prepare a bill of rights immediately; but it is not a matter that is out of our thinking. It is something we will be continuing to consider.

Mr. J. Renwick: Just one other point related to this constitutional question—only by way of reference and perhaps to draw the attention of the minister to it—I raised,

and others have too, but I keep it in my mind that I have raised during the estimates of the Minister of Mines (Mr. A. F. Lawrence) and again today to the Minister of Energy and Resources Management (Mr. Kerr)—which will be transferred to the minister of mines and northern affairs, as he will be—this question of whether or not uranium should be, as a resource in the province of Ontario, still subject exclusively to the jurisdiction of the federal government. I do not want to elaborate on it because I spoke about it and it is a matter of concern to me and I know to others.

Would the minister simply make a note to look at the remarks that were made in those debates tonight about this question? I think there are very serious questions about the extent to which there should be a clear study made of the jurisdiction of the province of Ontario in what is, for practical purposes, its sole major source of energy and ultimately of electric power in the province.

Hon. Mr. Wishart: I shall certainly have a look at the debates in the House tonight and I will say to the hon. member that it is a matter which I am sure the Minister of Mines and some of my other colleagues in the House must surely have said we have studied. And we have often said that by our present constitution, The British North America Act, property and civil rights are given to the provinces—

Mr. J. Renwick: And natural resources?

Hon. Mr. Wishart: And natural resources. Apparently this is one of the things we shall perhaps settle in our constitutional debate—a very important thing—how far can the federal government step in and say, “This resource, regardless of the present constitution, is ours.” I presume this was done on the basis of its very important function in war-time, in defence, as an asset which must be controlled for the national good.

We are studying this; I shall be glad to pursue it.

Mr. Chairman: It is 10:29, Mr. Lawlor; one minute.

Mr. Lawlor: Yes, and I would like to come back to this later. My point, Mr. Chairman, is really a point of order, in the last few seconds of tonight. May I check as to where certain things may be discussed under the votes?

Mr. Chairman: Is there any further discussion on the matter of constitutional reform?

Mr. Lawlor: Yes, I am going to do this on the next day.

Hon. Mr. Wishart: We are not going to get to it tonight. Will you raise your question again, Mr. Lawlor?

Mr. Lawlor: Compensation for victims of crime; where would that come?

Hon. Mr. Wishart: Under public safety compensation.

Mr. Chairman: Any other question, Mr. Lawlor?

Mr. Lawlor: A catch-all; you mean I can talk about it any time I like.

Hon. Mr. Wishart: No, under public safety.

Mr. Lawlor: Public safety? Privacy? Civil jury? Conflicts of interest?

Mr. Bullbrook: What occurs to me, Mr. Chairman, is that privacy is something that we have been discussing in the police area

with the Ontario Police Commission, and that is vote 912, I think.

Hon. Mr. Wishart: Vote 911.

Mr. Lawlor: Civil juries, I think, is under 904.

Hon. Mr. Wishart: Yes.

Mr. Lawlor: What about conflicts of interest; legislation governing conflicts of interest? If we had a law on it, we might—

Hon. Mr. Wishart: Try vote 902.

Mr. Chairman: Is that all, Mr. Lawlor?

Mr. Lawlor: Yes.

Mr. Chairman: Very good. Gentlemen, it being 10.30, I will declare the meeting adjourned. We will reconvene at 3:30 on Monday afternoon next.

The committee adjourned at 10:30 o'clock, p.m.



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Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, June 8, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 8, 1970

The committee met at 3.35 o'clock, p.m. in committee room one; Mr. A. K. Meen in the Chair.

ESTIMATES, DEPARTMENT OF MINISTER OF JUSTICE AND ATTORNEY GENERAL (continued)

On vote 901:

Mr. Chairman: Gentlemen, I will call the meeting to order.

Just before we get going, I would like a little assistance and clarification from the committee as to how we should deal with these votes. Last Thursday I was under the impression that we would deal with each of the subheadings of each vote as an individual item and then move on from each to the other *seriatim*; but throughout the course of the debate on Thursday it became apparent to me that the discussion was ranging over the whole of the five subheadings of vote 901.

Now is it your wish that we proceed on that basis or is it your wish that we deal with each of the subheadings in order? What do you think, Mr. Lawlor?

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, as you said, we were ranging fairly widely. I suggest that perhaps what is happening here and what has happened in the past is that this first vote is taken as a kind of general overall policy vote without using the grabbag section, the one on safety, which I think is a bit of a joke. I am highly in accord with the highly disciplined and formalized practices of the legal profession. But in any event, we have to talk about some things at some other time.

I would personally like to make a comment or two on, say the constitutional issue that has been raised, and an issue like gambling. I have much to say on that vote, but I think it should be fairly restrictive within what the leadoff speakers have brought as the pivotal points as far as they see—

Mr. Chairman: If I may interrupt you for just a moment, Mr. Lawlor, we dealt with the constitutional issue at considerable length

last week and I considered that particular item to be closed.

Mr. Lawlor: Where was I?

Mr. Chairman: The minister has indicated he would be prepared to have it reopened, Mr. Lawlor, so in that case if there is no other objection I would allow it.

But what is your wish, gentlemen, with respect to the various subheadings of each of the votes? Now maybe vote 901 being of a general nature, it is easier to range right across the whole five subheadings without trying to limit ourselves to each one in turn, but with respect to some of the other votes, it may be simpler to deal with each of them *seriatim*. Do you wish to carry on with 901 then, covering all five matters at one time and then go on to 902? Is that your wish.

Mr. Trotter (Parkdale): Yes.

Some hon. members: Yes.

Mr. Chairman: Well fine gentlemen, we will carry on on that basis. When we wound up Thursday night, Mr. Singer had the floor but he is not here, so I will ask who would like to begin? Mr. Lawlor.

Mr. Lawlor: Just two things: I am not going to say a great deal on the constitution issues, although I had prepared some stuff on The Canada Waters Act and pollution, perhaps more properly handled upstairs if one can slip out of here for a few minutes—and there are plenty of things to talk about.

Also, I feel the same way about the Canadian Bill of Rights and the entrenchment provisions. The fourth volume of McRuer will be unquestionably, in the near future I trust, debated in the House as we go into problems of ombudsmen and precisely what, or what not, ought to be encompassed within a bill of rights.

I would only say this to the Attorney General (Mr. Wishart), since he is going off in the very near future to have a meeting with the Ministers of Justice, that far from the problem of Quebec in any way being mitigated or diminished, as I see the situation it is just about as condign and as dangerous, or more so, than it has ever been.

It is not a question of Rene Levesque having achieved 23 or 26 per cent of the popular vote. If you consider that the WASP vote and that certain other ethnic votes within the province of Quebec went strongly in a single direction, then the impact of that would be that the separatist element in Quebec would represent in my opinion somewhere close to 30 or more percentage of the specifically French-Canadian vote. And that is a very strong faction, very strong representation.

I have all kinds of sympathy for that group, personally. I think we in English Canada, with our actions throughout the whole history of our country, have done a great deal to instigate that and damn little to suave it; so we are living, thank heavens, on a few years of borrowed time.

Going into that conference, I would ask the Attorney General, so far as the problems of rights within his jurisdiction are concerned, to give the utmost urgency and attention to constitutional reform in a way, in a flexible way, which will meet to as large a measure as it possibly can the desires and the general aspirations of the people of Quebec.

As I see the constitution—and I have spoken too many times in the past on it in the House to repeat the remarks—it all boils down to a simple concept that a constitution cannot be a straitjacket. It cannot be a series of pigeon-holes as we presently have it, that the interrelationships between the various categories set out in sections 91 and 92 are not in any way final or determinative, that there are areas after areas where there could be shared responsibilities by both levels and there could be considerable delegations of powers to the provinces to accord with the vision of the French-Canadians as they see it.

Far from holding back or being in any way legalistic about that approach, I would ask for the utmost lenience, the utmost suavity, because I deeply fear that far from the problems of separatism having been assuaged, they have only been criticized for a few moments in terms of people's history, and that if Quebec goes out—and this is their time of consolidation so far as Levesque is concerned, in forming his forces for the next push—if it goes against them, then I would envisage, in terms of the life of this country and our continued hegemony, the most terrifying thing: They will break away.

And let it not be put on our heads, or on your head as an imaginative, forthright Attorney General, aware of the, very deeply aware

in your own constituency and also in this country, of the needs of justice across the boards, that it would be revisited upon your head or head of this government if you did not do everything in your power to meet legitimate demands forthcoming from that quarter.

That is really all I wanted to say, apart from—there is one other aspect, I do not know how viable the idea would be, I have mentioned it in the House previously. I am convinced that the members of the Legislature and the people of Ontario generally are not sufficiently educated in the ways of the constitution, as to what the viable alternatives would be and what the real problems therein are. I think it is high time, since we have gained this breathing space which has been presented to us as though by a gift of some gods, that you avail yourself to the Prime Minister (Mr. Roberts) to institute a select committee of this Legislature that will, during the recess, settle down to the problems of constitutional reform and see what Ontario, working both at the cabinet level and through your interministerial bodies, and in the bodies that you have set up that work with the federal government—everything from the tax structure committee to the constitution committee itself. We have to throw all our forces into this at this time and give as much cognizance to it as we possibly can, become aware of the problems as we possibly can, and do everything to fend against the disaster that I say threatens us in this particular regard.

I can see no other alternative but a select committee working in this particular area. I would not recommend a royal commission except on the basis of a royal commission which is jointly set up by said federal government and the provinces themselves.

But that sounds to me as a dilatory approach and a device that has come under some censure, and rightly so. I do not think it would be palatable to Quebec, that sort of thing, which is a delaying tactic really. But I see no harm in the members of this House joining together. Surely there are enough members in all parties that would be willing to throw their weight behind the effort and study these issues; and have some professors come before them, to become highly aware and to make recommendations to the government in this particular area.

I have said it before, I will not press the point. I hope the Attorney General might accede to it.

Those are general policy things. I would like to speak on larger issues; if anybody else wants to get in, fine.

Coming right down to the vote on royal commissions—

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I wonder if I might speak to that in a brief way?

I appreciate the remarks of the hon. member, and I think in a large part I share his views. I think perhaps his arithmetic is not good when he arrived at the percentage of Quebec people who are, as he says, still inclined to separatist sentiment. I do not read it that way, that the 23-plus per cent who voted for Rene Levesque's party were many groups of protesters, including the separatists.

I think the view that he takes of the constitution being flexible and the need for very sympathetic and serious understanding and consideration of Quebec's problems, I certainly share. I have made some remarks in the House, going back I think as long as four years ago, indicating my views, and I try to make that viewpoint felt in our conferences. I agree with him that this must be continued and that we must have some flexibility in our constitution when we arrive at it and as we arrive at it.

As to education, I think it most desirable that not only members of the Legislature but the public generally have more knowledge of the things that are at stake and how a federal constitution must be framed if it is to serve the people of the country and hold it together and not incur their dissatisfaction.

We have had debates in the Legislature; perhaps we should have more. We have had observers now from all parties in the House at the conferences; at the last one we had municipal observers. If a committee were seriously inclined to take this matter under consideration and work at it, perhaps it could achieve a good deal; but it seems to me that open debate might be more effective because it would have more publicity and it would pick up a wider range of viewpoints, and there would be the interflow of points of view and discussion back and forth in a public forum which I think is the place to have it. I would like to see that.

Certainly I assure him of my—I think my understanding, pretty well, of Quebec. As he mentioned, a great many people from Quebec come here, to northern Ontario particularly, and many of them live in my own constituency. I have lived a good many years in that part of the country. They come

from east of Quebec, where many of the compatriots of the Quebec people also live, in New Brunswick.

However, I certainly assure him of my sympathy with his viewpoint and my desire to work out the objectives he has expressed.

Mr. Chairman: Mr. Singer.

Mr. V. M. Singer (Downsview): Mr. Chairman, I devoted my opening remarks to off-track betting. I would like your ruling as to whether or not I should carry on with that, as there are some other questions that have arisen, or save it to a later vote.

Mr. Chairman: Well I did reopen the general discussion, Mr. Singer, to permit a few more words from Mr. Lawlor in the matter of constitutional conferences and constitutional reform. If your comments are related to that area then—

Mr. Singer: No, not constitutional—off-track betting still.

Mr. Chairman: I think probably you can raise that under the individual votes.

Mr. Singer: I do not care; I can do it either now or later, whichever way you want to do it. I have a couple of other matters I want to deal with under this vote.

Mr. Chairman: Since it is reasonably close to the opening comments that we had from you, if you would like to carry on then, you may proceed.

Mr. Singer: All right. I wanted to follow up the question I asked the Attorney General in the House today. Since I made my opening remarks I have ascertained that there has been one successful prosecution. It was appealed to the court of appeal and the court of appeal upheld the convicting provincial judge. There are 25 charges presently pending and in our discussion—in the exchange that the Attorney General and I had—he asked at one point if I thought we should harass these people.

Hon. Mr. Wishart: It was here in estimates, not in the House.

Mr. Singer: Yes, in the House. Now it seems to me that maybe in view of the dangers we should bend every legal effort that we have to try and get at the root of this trouble.

Since Mafia talk has been somewhat rife here, I recall when a man named Bluestein was pretty badly beaten in a pub in front of

100 witnesses. For a period of some three weeks none of the witnesses could recall a single thing. Eventually, as the public hue and cry continued, it was ascertained that there was the sort of machinery available under the criminal code, whereby witnesses could be taken and examined, and as a result of that kind of an examination—perhaps it is the same section that I referred to the other day—the evidence was eventually forthcoming and certain people were tried and convicted of that beating, which I thought was a pretty exemplary effort in law enforcement.

Now it would seem to me that since this matter has reached such horrendous proportions we have got to have a pretty good look at all of the legal machinery that is available. I may bring to the attention of the committee, Mr. Chairman, a letter that was delivered by hand to my home on Friday evening about midnight.

I found this when I came home, written to me by a gentleman named Earl Timmons, who takes grave exception to the suggestions or charges I made the other day to the effect that off-track betting shops are operating illegally. He terms my remarks as being slanderous. Perhaps I should read a paragraph or two of his letter; he is a member of the Race Course Messenger Association and he operates five such messenger services, so I would presume Mr. Timmons should know a bit about it. He says:

The Race Course Messenger Association was founded early in 1969 long before there was any indication from government that it would be amending the Criminal Code through Bill C197.

The purpose of our association was to persuade and work with government to set up a control system of off-track betting so as to protect the public and keep out the criminal element. Our association has submitted several briefs to the Ontario government as well as the federal government. We have researched off-track betting in England, France and Australia. Representatives of our association have travelled to Australia.

I think if we are going to investigate Australia, Mr. Chairman, perhaps the Attorney General could strike a group from his senior civil servants and some members of the opposition, because we would be glad to report back to you what we find in Australia concerning this important matter, and we might make some time available to do this.

In any event the Race Course Messenger Association is investigating Australia. They went there for a first hand inspection of this most successful operation.

The Race Course Messenger Association has worked with Control Data Corp. of Canada to develop an electronic system of connecting machines in individual shops through a central computer providing an audited and foolproof method for off-track betting. Of the 70 shops operating in southern Ontario all but three or four are operated by our 20-member association. I think you can, therefore, appreciate my viewpoint that an attack on off-track betting shops is an attack against the members of our association.

Your statement that some betting shops are controlled by criminal elements is a most serious charge, especially, as I have just stated, 67 of some 70 shops are operated by myself and other members of the Race Course Messenger Association.

There is another paragraph—well, perhaps I should finish it:

I should like to meet with you at your earliest convenience to bring many, many facts to your attention of which you are obviously now unaware, some of which could be of special interest at this particular time. I most anxiously await your reply and look forward with anticipation to meeting you.

Well let me say first, Mr. Chairman, that I am not impressed at all by the fact that 67 of the 70 members of this association operate these shops. To my mind, that does not really set them up as being necessarily persons who would not break the law.

The second point I wanted to make is this: I did phone this gentleman this morning and told him I had received his letter and told him that if he wanted to read what I had to say, he could examine *Hansard*, but I really was not backing away either from anything in there or from what the newspapers had reported I had said. And I asked him how they made a profit on this operation and he assured me, there was just no question in his mind, that what they are doing is in the public interest. They are just getting ready in the event that Mr. Turner and the Attorney General of Ontario change their minds and allow these fellows to operate legally. They suggest that what Mr. Turner said in Ottawa, what Mr. Wishart said in Toronto, makes it clear the law will be changed to allow them to operate as they

wish. Everything is going to be fine and it is just going to be a question of time until the legislation comes down.

Well, I do not believe that. I do not believe either Mr. Turner or Mr. Wishart has ever said, positively or by implication or in any way, that this is their intention. And I would like to hear—and this was part of my message the other day—in as just as loud a voice as possible from our Attorney General, a statement that we are going to keep control over this thing. Now whether or not we agree on the methods of control—I told you what I think the methods of control should be—is, at this point, something that perhaps we can allow to stand in abeyance.

But let me say, Mr. Chairman, that I do not believe by any stretch of anybody's imagination that this is being done as an effort to incur good will. It is being done to make money by selling this race track form, whether on a voluntary basis—voluntary in parenthesis—or by extracting the 10 per cent.

I told you about the call that I had from my constituent who says. "There is no question, the 10 per cent is paid and you are just not welcome unless you pay the 10 per cent." These fellows who bet want to be welcome in those places and they are not going to risk the other things that might happen to them.

I say that these shops are running illegally. I commend the police for having gone so far as to lay 25 charges. I would like to see more charges laid every day and I think it is worthwhile to put as many policemen as we can into each one of these betting shops, because I think we are just begging for trouble if we let this thing mount up and mount up until this kind of operation is completely out of control.

Mr. Chairman: Mr. Lawlor, are you on this point too?

Mr. Lawlor: Yes, this very point. Sometimes when I listen to Mr. Singer, I wonder with which voice of the 11 or so major prophets he speaks. I would elect on this particular occasion Ezekiel. It is not quite Jeremiah. It is not in the cause of the poor.

While the chief thrust of his remarks thus far seems to have been something about delay, the legality of the situation that they are operating illegally may be perfectly true. It is somewhat beside the point so far as the contemporary debate is concerned.

Let us take it at the level of morality. How does one proceed at that level? You know,

sometimes I think the differences between and among political parties are precisely upon the notion of human nature that each party has. Those people who are deeply committed to the doctrine of original sin and think that human nature is mortally wounded or depraved at its core, so to speak, by and large belong to the Conservative Party. People like myself who have a more Pollyanna vision of human nature and who say that it is wounded in part but not mortally afflicted belong to the New Democrats. Where the Liberals and their denomination fit in this thing is beyond me at the moment, but we may find out.

In other words, I think that for gambling to be a criminal offence is just damn ridiculous to start with. It is a heritage of an ancient puritanism in the province which thinks that because human nature is villainous, vile and always lusting after evil in all of its forms—of which gambling is one of the most terrifying—we must therefore put the heavy hand of the law on these things and keep them down.

It has been tried in many areas; it has never succeeded, and partially because it is not an intelligent view of the human condition.

Therefore, while at the present time there is a grave danger of infiltration of criminal elements into the gambling area if it is let go, I do not think the Attorney General has any intention of letting it go very much further. I would ask him—and I think Mr. Singer's moves as I understood them the other day were directly in line with mine—that he license it and that he does recognize its legitimacy.

The Catholics take the position that there is nothing sinful about gambling. The sin arises out of the circumstances. If a man deprives his wife and children of the necessary sustenance because he is addicted to a vice—and a vice in that area is anything carried to excess—then of course; but that is more of a private matter. In the public realm and in all the Latin countries, France, Italy and Mexico and the rest of the world this is not considered something that is condignly evil or something that undermines the mental or moral fibre of a person or of a nation.

I hear this tosh all the time about gambling having this deleterious effect upon human beings. It is like anything else, it can be abused and so far as it is then I do not know whether it is the responsibility of the law to enter in upon that jurisdiction. I think they have to go to confession or something.

In any event—and we restrict our argumentation to *pari-mutuel* betting—

Interjection by an hon. member.

Mr. Lawlor: Yes. He looks like a fairly good father confessor at the moment. As long as he will keep it as a privileged communication. You have to say the right words at the beginning.

There are four ways in which this thing can be handled. Either leave it as it is, which is obviously impossible; or let the Jockey Club take it over, which I think is a very questionable enterprise to say the least; or let the government run it, either directly or through a licensing system. My tenancy is still that it should be a licensing system left largely in private hands and not run out of self-service liquor stores that would have to be self-service gambling operations at the same time.

In France it is not a state enterprise. It is run through an agency of the state but it is in private hands. It is a private company set up like a holding company by the various race tracks. In Britain it operates on a licensing system. As has been pointed out if for no other reason than to cause people to salivate, the amounts of money that are derivable in terms of tax revenue from an operation that is going to be carried on willy-nilly, underground or above ground, whether you like it or not, are very considerable.

One of the chief arguments, I suppose to appeal to our avidity or to our greed, contained in the brief from these people are these huge sums of money. In France it was \$200 million two years ago. In Britain \$260 million in 1969.

In Mexico there are no taxes. They run their whole state apparatus through their state lotteries and gambling operations. If you have ever been to Mexico you will know how wide-open that phenomenon is. Nor do I think that it is a blemish on the character of the Mexicans. They are just as sturdy, just as given to honour—or far more so—than most of us have any idea of being. They are sturdy people, but this is a way in which money can be raised and raised quite legitimately.

I would like to question the Attorney General on this theme. I know there are representations made to him by the association.

By the way, I am not in the pay of the association. I will mention to the committee that they sent me—somebody sent me, I will not tell you who—a case of whisky last fall

as a result of some remarks I made in the House. That was the one time I wish I was not a member of this House. I had to return the damn thing and I can tell you I stood for several days gazing at the damn stuff.

Interjections by hon. members.

Mr. Chairman: Debating whether to resign or not?

Mr. Lawlor: Never did I come so close to resignation as at that time. Finally I screwed up my courage and took it back and said "Gentlemen, I do not need your largesse in order to do things as the cause, if it is handled properly here, it is perfectly legitimate." I think the people that I am speaking of, you know, were certainly not the criminal elements. They are people who are interested in gambling and deal largely with very small bets. They belong to the syndicate. I am just not yet completely convinced that it can be controlled plenary. The contention being made to the Attorney General in the brief and otherwise, and has been argued with me, is that through The National Cash Register Company, or I suppose any number of others—I would exclude Honeywell Controls, for obvious reasons—these companies can set up a computer in their shops which would be an adequate device, not only for communicating directly with the track but for keeping a very strict record of every bet that was placed in their hands. In other words, a receipt would be forthcoming from that machine. Detection devices such as the banks use to see who signs cheques could be used in order to spot check that this was being carried out.

Every bet that is made could be rung through to a government central agency where they would tabulate them all too. In other words it ostensibly appears to be a fairly tight and fairly practicable system.

That would be the rub. If that is not so, then of course you are giving access to more nefarious elements, but my understanding is that it is so and that it can be so and that they are prepared to pay the full costs of the computerization that would go into the recording of bets and to disclosure situation on bets.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, I think we covered this pretty well when you spoke the other day—I did not tell Mr. Singer at that time, the member for Downsview I should

say, what activity we were carrying on. Some of it has now come to light—the police activity and the charges. Since those are going before the court, of course, I am not going to say anything more than that, you can see. I think it is demonstrated—

Mr. Singer: That is all I said about them too.

Hon. Mr. Wishart: Yes! It is demonstrated that the police are not idle in this matter and we are investigating and taking the necessary procedures which follow investigation.

I do not think that I could still suggest that we would go so far as to harass people. There are procedures in the code which give you wide powers, but we still have to have, I think, reasonable belief to pursue that section.

Mr. Lawlor: I agree.

Hon. Mr. Wishart: Now then, it has been indicated before—I think on Thursday last—that discussion with all the Attorneys General and the Minister of Justice of Ottawa are imminent. They will be held, I understand, about the middle of July. This will be one of the subjects on the agenda. I make again the distinction between just off-track betting and the parimutuel system.

We have seen, we have had demonstrated to us pretty thoroughly, the system that is used in Australia. We have had studies on the British method of licensing the individual persons. We have some awareness, I think, of the funds, the revenues that would flow to government. But it is something that still has to be established—the basic law, the foundation law—by Ottawa. We just cannot do it as a province alone, today. That is not permitted, as I understand the law, and from discussions during which we made some suggestions last year, as you will well recall.

At the moment I have to say to you that the policy of the government of Ontario has not been determined. I am not in the position, at this moment, to go forward to Ottawa with a government policy. I would hope that by the time we do go, before this session ends or certainly before I go to the meetings of the Attorneys General, that I would have a clear indication of what line, what position, I may take on behalf of the government.

Mr. Lawlor: Just one question, Mr. Chairman, if I may. You have seen demonstrations of, or at least have had outlined to

you, these computers that are proposed. Are they foolproof?

Hon. Mr. Wishart: They would appear to be. We have seen the system in detail, including the use of some of the actual equipment demonstrated to us—a television, how they operate at the track, most detail. I think you can see it just as well that way; perhaps better than you can see it standing looking at it. We have seen this and the systems, which are very sophisticated, very complete, very thorough. I think, as far as I can judge, and from the experience of those states that have them in operation, they would appear to be foolproof.

Mr. Singer: Mr. Chairman, can I add just a word to that?

Let me, first of all, clear up any possible doubt that might have arisen from Mr. Lawlor's philosophical dissertation. I do not think that anything I said, or anything that my colleagues have said, indicates a great moral preaching in putting our point of view forward. I think, if Mr. Lawlor will recall, one of the comments I quoted from the federal *Hansard* was a comment by one of the police officers who said: "There will be gambling but it has to be regulated." And as I read that remark I said: "That is what we believe".

Now then, insofar as its being run by private people, I am suspicious. I am very, very suspicious and I do not care how apparently foolproof a system may appear to be. It is still run by human beings who are subject to all the temptations of taking off or skimming some of the hundreds of millions of dollars that become available.

Hon. Mr. Wishart: I was speaking really of the system being foolproof, and in the back of my mind I think I should have made it clear I was thinking that if this were to come about it would be either government or one agency of government to run it for the government.

Mr. Singer: All right. Then, let me make my final plea.

To my mind it has to be government-run. Even at that, where the parimutels are supervised, as I think I said the other day by at least one official of the federal Department of Agriculture, by RCMP officers who stand by, by periodic unannounced inspections of accountants for the provincial revenue minister—still these things happen.

I do not know, Mr. Chairman, if you happened to look at an article in the *Week-end* magazine this week, Saturday; it comes with the *Toronto Telegram*. They made some mention of the way in which the so called foolproof system in places like Las Vegas is sometimes circumvented by some people. I do not know, Mr. Chairman, if many people here have been to Las Vegas but it is very fascinating to watch the system there.

There are guards upon guards upon guards upon guards. There is the man who runs the table. There is the man who watches the man who runs the table. There is the man above that, the plainclothes man, the people they send up to make bets to see how they are being handled; there is the most complicated system of checking and counter checking but, as this article indicated, and I have heard it before and I have been told it, still people find out ways of beating this system.

Now that is a system that a democratic society, Ontario, probably would not want to enforce in that way, because the ultimate enforcement seems to be in beating people up or something worse. When we get into off-track betting—and I say when, not if; I think we have got to get into it—it has got to be run in the way that is as foolproof as we can devise.

Hon. Mr. Wishart: Like the track.

Mr. Singer: Yes. And to my mind, the most foolproof way that we could devise would be with the machinery in the hands of government.

Mr. Chairman: Vote 901.

Mr. Singer: Now there are two other points, Mr. Chairman.

Mr. Chairman: Vote 901?

Mr. Singer: Yes, on 901 I assume the whole hiring process of lawyers in government service would come under the first one. My colleague for Sudbury (Mr. Sopha) and I—pardon, is that this vote, or do you want to have it under another one?

Mr. A. R. Dick (Deputy Minister of Justice): Well there is a personnel branch within some of the other votes. Would that be more appropriate?

Mr. Singer: This is called law officer of the Crown. I was not particularly concerned with the lawyers that you hired to serve in the Attorney General's department. I was going to remark again, briefly, about lawyers who are hired to serve in various other government departments.

Mr. Chairman: I think unless we have something specific designed for that particular point, Mr. Singer, I would allow your discussion under this particular vote.

Mr. Singer: Well Mr. Chairman, over the years, my colleague for Sudbury and I have been making the repeated statement that the Attorney General should be all the law of Ontario, and following from that statement we believe, and we put forward the idea again, that all of the lawyers who come into government service, whether they be in The Department of the Attorney General or whether they be in The Department of Health or where else, should be emanating from the Attorney General's department and the Attorney General's system of control.

I think some progress has been made; I think the Attorney General is sympathetic to this idea. I think some progress has been made, but not as much as I would like to see. I recognize, too, that perhaps there are some difficulties presented in this kind of policy, because individual cabinet ministers zealously and jealously guard the running of their particular departments. And I would not be surprised if from time to time some of them might have indicated that they are going to determine who is going to work in their departments and they really are not awfully interested in the Attorney General's views.

However, one case came to mind. A gentleman I know told me just the other day that he was hired as the new head of the legal department in The Department of Health. Now I have known this gentleman for a number of years; I think he is a very good lawyer and I think he would make a very good head of the legal branch in The Department of Health.

I was interested in how he came to be hired and he said he saw some sort of advertisement and he made application and in due course he was interviewed by a number of persons, one of whom is a senior official in your department. Apparently the group that he went before thought he had the qualifications and said that is fine and he got the job.

Now by itself I do not take any strong exception to that, because I know this man and I think he is going to do a very good job. But what does concern me is the same principle that we have put forward in all these years, I would think that when The Department of Health wanted a new senior solicitor, it should come to the Attorney General. And somewhere, if the Attorney General is controlling all the legal services of government, he would say either we have someone else in

Lands and Forests or Agriculture and Food, or somebody who has been around for quite a while who knows government methods, who by seniority and by intelligence and by ability is probably ready for this job; or there is nobody else in government service who is suited for this and perhaps because of your specific request we agree that advertising should be done and we will do the advertising and we will make the selection, and in due course we will send somebody to you.

I feel very strongly about this, because I think there should be some continuity in the legal service in government and there should be some common standards.

As I say, the only reason I am mentioning this specific incident is because it came to my attention within the last few days, and certainly nothing I say is intended in any way to be critical of this gentleman; because I know him, I have worked with him and I think he is a very capable man.

Mr. Chairman: Mr. Wishart.

Hon. Mr. Wishart: I am going to make a very few remarks and then let my deputy speak to the matter.

I think what Mr. Singer says is the right objective to aim for. We have been aiming at it, and I think reaching a good deal toward it in bringing all the solicitors, all the lawyers in the government, within the ambit of the Attorney General and under his direction and control. It is a pretty well entrenched system that I fell heir to—

Mr. Singer: It is not easy.

Hon. Mr. Wishart: It takes a little time to persuade some lawyers, really, that the Attorney General is their boss, if that is the word, when they have worked for a number of years in another department. But I think we have made a good deal of progress and I think the great step that helped to bring this about was the—I believe it was The Department of Justice Act, is that the title—which we passed just two years ago. It actually does, legally and properly, give me the authority to bring all the lawyers within my jurisdiction and within my direction and control—I should not say “my”, within the direction and control of the Minister of Justice and Attorney General.

Now on the detail of hiring and so forth, Mr. Dick may wish to expand on what I have said. I would like him to speak.

Mr. Dick: Well, Mr. Chairman, as the minister has mentioned, section 7 of The

Department of Justice Act permits the Lieutenant-Governor-in-Council to designate lawyers who thereupon would become part of The Department of Justice. This obviously has inherent problems in it, so that you do not do it automatically and right off the bat. What transpired after that came into effect was that we met with the deputy ministers of many of the other major departments which use legal services and discussed the matter with them, and from that certain things came about that are providing the direction and leading towards this.

In some departments we already have lawyers who were in our own department and went out to other departments. In the Department of Education, for example, their lawyer came from our own department. The Department of Health had one of our lawyers up until he left to go elsewhere. In all other departments, when they are filling a legal position we have a selection board made up of a representative of my department, a representative of the user department and a representative of the civil service commission. These three men together look at all the persons who are interested in positions; and at the same time any of these positions are looked at specifically by us, with the lawyers in our own crown law office, to see first if there are men who are qualified, and second to see if there are men who are interested in leaving our department to go out into another department. Sometimes this provides material, sometimes it does not. If there is not a person available, the position is then advertised and the gentlemen who apply come before the selection board.

The next step is to arrange a salary system which would relate to all the lawyers in the public service. This has been, I think, very effective from the professional point of view. Under the salary arrangement which just became effective early this year, the salaries of all legal officers are put in seven groups of legal officers. We have done away with the old separate and distinct categories, crown attorney, assistant crown attorney, legal officer, advisory counsel, all these different ones, and we just have seven legal officer classifications for all lawyers in the public service.

Mr. Singer: Could you tell us what they are and the salaries?

Mr. Dick: Legal officer, one to seven, are the groups. The salary levels within those groups go from a minimum for the legal

officer one category of \$9,118, up to a maximum for a legal officer seven category of \$26,089. So within that broad salary range in the seven groups we have all the lawyers, of which there are approximately 250 in the public service.

These salaries are administered jointly between my own department and The Department of Civil Service. Within my own department the moving of a lawyer from the legal officer two category into the three category, or upwards from the three to the four, and so on to the top of the scale, can only be done with a recommendation from a committee made up of myself and the deputy minister of Civil Service and one of the assistant deputies in my department. This recommendation is then given to the civil service commission.

In this way then, the approximately 160 or 170 lawyers in my department move within this group with the recommendation of myself and one of the assistant deputies.

For the lawyers outside my own department, who do not come under our jurisdiction, we switch from one of the assistant deputies in my department to the deputy minister of the other department. So in that case, for instance in another department, we would have the deputy minister of the department, myself and the deputy minister of civil service. We together decide what the proper category is.

In this way we have achieved a good deal of, I think, fairly rational professional assessment between both the legal positions involved and the men who are filling those positions, to give a certain degree of equity to the men in assessing the value of their service and how they should be paid.

So this, too, is leading to this idea of a uniform legal service. All these things have been directed toward that ultimate objective of having a complete service, properly looked after, but not with the rather dramatic experience of just barging into all the departments and suddenly assuming their legal service. Where is can be done to mutual advantage and so on, we do it.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Dick, I wonder if you could tell me, generally, the job description of, say, category seven? What do you look for in that?

Mr. Dick: Well it is very broad.

There again, the whole idea in revising the salary system was to get away from the sort of statistical basis that might have, as you

say, existed some time ago; for instance, so many years experience at the bar, so many years in the public service, looking after a county of x number of thousand people as a crown attorney for instance.

What we have now are seven very brief descriptions. For instance, you have the entry level in the legal officer one; you have the two level, which is a level in a lower responsibility position; the three level is the higher level, the working level so to speak, and going up. Now I do not have immediately before me the exact language of the legal officer positions that are described, though in general terms, except when you relate it to what we have introduced as a new concept, and that is a more personal and subjective assessment of the lawyer.

In addition to the legal officer description for the position, you have the personal qualification assessment, which is the purpose of this committee. We have six criteria set out under that, which relate to such things, and I am paraphrasing, such things as a recognition of the lawyer of his function in the public service; the recognition of the lawyer of his responsibility both to the public and to the government in bringing together in balance the rights of the individual and the necessary rights of the government; the quality of the lawyer in being able to obtain from the people he advises their co-operation, and doing it in an effective way. There are half a dozen of these, what I might term personal qualifications that are quite subjective.

Now then, in looking at a position these are things you look at: The very brief description of the job; the position itself; the classification, together with the personal qualities of the individual lawyers.

Hon. Mr. Wishart: I might add just a word further that we did not touch on. It was, I think, quite common not so long ago that many of our cases, particularly civil cases, went to outside lawyers, outside law firms.

Mr. Singer: I was going to go over that one under the next vote, but if you want to deal with it here, fine.

Hon. Mr. Wishart: I just mention it here because it is related particularly to civil cases going to the court of appeal. I think we have got almost completely away from that, certainly in the Department of the Attorney General. My senior counsel on the civil side, Mr. Frank Callaghan, is sitting here and he has taken, I think, all of our

cases of recent time, and I would like to say in his presence, with good success. I do not think we have seen any less degree of success from having personnel of our own—

Mr. Singer: It seems to me the Liberals have been telling you that for years.

Hon. Mr. Wishart: I am not averse to accepting suggestions, you know. I came in and I took a lot of suggestions and worked them out and I am still doing it.

Anyway, we have done that; we have accomplished that and I hope we can stay with that. There are occasional cases, I think I have noted, and I will say that my colleagues in cabinet once or twice have consulted me about some special case that they had and on which they would like to engage an outside counsel. If we felt we were not equipped through lack of personnel or through overburden or work I have agreed; but they have been good enough to consult and say would this be all right. We are pretty well away from that.

Mr. Singer: Mr. Chairman, since the Attorney General has mentioned the point of outside counsel I wonder if he can tell us what progress, if any, has been made in setting up a real estate branch with lawyers in it to handle government service, because that is a branch where outside counsel are still retained and that is a branch wherein I believe that there are not as great and involved technical skills.

I would think if there was a competent legal branch set up within government where titles could be searched and reports made to the various departments—Ontario Housing Corporation is one that comes to mind immediately—the government could save hundreds of thousands of dollars by running a good real estate branch and having competent title searchers and competent real estate-trained lawyers.

Hon. Mr. Wishart: I think Mr. Dick might mention his experience, in Highways particularly, and what we have done in other departments.

Mr. Dick: In some departments they have done this, Mr. Chairman. In The Department of Highways, for instance, they have regional solicitors who do an awful lot of this in the regions. But you have to have a volume of work that really justifies such an expenditure. By the time you hire a lawyer and give him a secretary and office space and so on, you are talking about \$20,000 to \$25,000. There has to be an amount of work to justify that.

In many cases, however, and we have tried this, it has not worked too well because the lawyers are always travelling around. They become very wrapped up in their individual cases and they are back and forth and so on. What has happened is that for a good deal of the conveyancing work in the large departments, Public Works and Highways particularly, they have been using conveyancers. These are people who are knowledgeable, but not legally trained, so they can do a lot of the preparation of the agreements, leases and abstracts of title which are then gone over by a lawyer. When it gets down to a very large and involved transaction, for instance, for a person with a large tract of land or a block and so on, it has been found that it requires a degree of negotiation, running back and forth and dealing with a multitude of things; that has been conveniently done by one law firm. They take it and look after all the planning aspects, the municipal aspects, the purchase and so on. This has been done in some of the departments to a large extent.

The other area where there has been a good deal of work go out, and which we have been looking at with a certain degree of envy, is in the matter of arbitrations and this type of thing where the counsel work and the arbitrations themselves are done by outside counsel. Here again it is a risk because we have not, over a period of years, acquired a group of lawyers who have the same knowledge and the same background in this area as some of the outside counsel; and because the matters that go to arbitration are usually very important and very substantial, we have found that it is perhaps in our best interests to retain outside counsel who have a demonstrated experience in this area.

Mr. Singer: Mr. Chairman, I must disagree with Mr. Dick on one of his general statements there. I just do not believe that the purchase of a \$1 million property is that much more complicated than the purchase of a \$20,000 property. The lawyers over the years—and we are going to come to this again under the registry office vote—have, I think, overcharged the public at a great old rate because they assess their tariff and their guarantee of title in relation to the over-all dollar volume of the transaction.

Hon. Mr. Wishart: Do not you do that?

Mr. Singer: Yes, I do, I do. By the same token I have made the continued plea that

this system should be changed. I just do not think there is any excuse for it.

Hon. Mr. Wishart: Same as a real estate agent, they charge on the price.

Mr. Singer: But I do not think it is reasonable, I do not think it is reasonable, Mr. Chairman. I have said this many times, I do not think it is reasonable at all, and it would seem to me that the so-called complications just do not exist any more.

We are not awfully worried about guaranteeing titles to the government. If a government employee searches title and he is a competent government employee, one would expect that he would work with sincerity, integrity and honesty. Perhaps occasionally he is going to make a mistake. But if he does make a mistake, as long as he is not grossly negligent or dishonest then the government is able to adequately look after it.

Therefore, I do not see that there is any great merit in paying outside lawyers for guarantee of title, particularly in the great big ones. Because even though you have paid, say a \$5,000 fee on a \$1 million transaction and the thing has gone sour, the government is spending \$1 million and acquired no title. There are not too many lawyers, even with errors and omissions policies, who are going to be able to cover the \$1 million loss. It is all very fine to have a guarantee, but I am wondering if you are going to be able to realize on it.

It would seem to me that the time has come that the government should be able to deal with its own real estate purchases, entirely by itself, through a real estate department. Mr. Dick has referred to using title searchers to advantage. There are title searchers who can be hired and some of them apparently are now in government employ. There are firms of title searchers. I use one that I think is very competent in the Toronto area called Teela. They produce an abstract for me, and so on, and we check it over in the office. It saves all sorts of time and I have found that their service is a very excellent one.

I think the government should avail itself of all of these techniques. I continue to say that government spends hundreds of thousands of dollars that it need not spend in paying legal fees to lawyers for certification of titles. I do not think it gets its money's worth in that; it could do it much more adequately by itself than as it is presently being done.

Mr. Chairman: Mr. Lawlor,

Mr. Lawlor: Whether that is true or not, we yearly are exposed to Mr. Singer's peccadillo in this particular regard. There is an element of feather-bedding in the profession touching the searching of titles that perhaps will be very shortly eliminated. After all, the law reform commission have presently under their property investigations a whole area dedicated to the registration of titles, and no doubt the professors will sufficiently undermine us in the way of making a lucrative living by doing very little by recommending against it. But may I remind you that the title systems in other jurisdictions, particularly in the United States of America, breeds its own miasmas, namely, that in the field of estate work and wills; the lawyers of the United States and British Columbia take an awful big chunk of the estate.

You may be on the side of the late Mr. Justice Walsh who used to say to all of us: "Estates are much too precious a thing to waste upon the beneficiaries." But the fact of the matter is that we have a fair schedule tariff of fees at the present time, and if it means that the lawyers would move in there and then the most questionable practices grow up because of the inadequacy of the living to be made in this particular way with their title system—I am thinking of ambulance chasing; I am thinking of the contingency fee utilized in litigation in the United States, that is the way the boys make their money there, and we all know the underbelly of that thing.

You inveigh against gamblers' creeping in under our noses in Ottawa, but you have the whole legal profession operating in a quasi-corrupt way in order to garner unto themselves 45 per cent of the litigation which they themselves stimulated, and which are champerty and maintenance in our terms. You are going to have to balance these two social factors off, and I am not half as strong as you are upon attacking the registry system and the present title searching.

Mr. Singer: You know, Mr. Chairman, I have great difficulty following Mr. Lawlor's logic.

Mr. Lawlor: Why?

Mr. Singer: I was talking about the registry office system and he now has me advocating a system whereby lawyers participate in damage judgements as they do in the United States. I do not think I even thought about it.

Mr. Lawlor: I point out to you that in other jurisdictions this is not operative. This is what happens.

Mr. Singer: Oh, come off it!

Mr. Chairman: Okay, gentlemen.

Mr. Singer: Mr. Chairman, I have another point.

Mr. Lawlor: I hope it is a better one than the last.

Mr. Singer: Well, whether you like it or not—

Mr. Chairman: Order!

Hon. Mr. Wishart: Just one word. I think perhaps as has been indicated in some departments the government does equip itself with expert people to do a good deal of the title searching and checking. But it seems to me that there are many situations, the smaller situations, property purchases around the province, that set up an office with a lawyer and staff and space and secretaries. Then to have the lawyer travelling about, back and forth to the far reaches of this province to search titles, he would probably have to make more than one trip and then, as Mr. Dick mentioned, he would have to check with the municipal people on bylaws and planning and zoning and so on, and see other people about the negotiations. I think probably we could do a study, but I think you might very well find that it could be done more efficiently and quickly and more cheaply, in a great many of these cases, by the local lawyer. You just tell him to go ahead and search it. Tell him what you want and he does it. He does it quickly, he knows the local people, he goes to the local law offices, he clears the deck and reports and he takes the responsibility. I am not sure but what this system is justifiable, in a great many cases, on money alone.

Mr. Chairman: Mr. Singer:

Mr. Singer: Mr. Chairman, I am not saying that in all instances it can be done, but I think we could start, certainly, with the county of York.

You recall there is the registry office for the city of Toronto, and the county of York registry office; two divisions, one here and one in Newmarket and the land titles office. Certainly it would require no great feat of organization to handle the properties that are handled in the county of York through a central office and by government lawyers, and

I would think the saving there would be very, very substantial. You could see how that works to determine how much further you could go out.

You could do the same things, perhaps, in the other cities; Ottawa, Windsor and Hamilton. But start with the county of York. I mean it is there and it is obvious and you fellows are all here and working out of Toronto. You could control that one very easily. We did not ask our usual question about how many dollars you have spent in fees, but in the past years when we have, those fees run into hundreds of thousands of dollars and I do not think the government need spend that amount of money. You could equip quite a number of lawyers with secretaries and title-searching facilities with those funds.

Mr. Chairman: Mr. Ben, you are not a member of the committee, but we are happy to welcome you.

Mr. G. Ben (Humber): Thank you. Mr. Attorney General, what does it cost to transfer land into the land titles system?

Hon. Mr. Wishart: What would it cost?

Mr. Ben: Yes.

Hon. Mr. Wishart: The whole, all that is left?

Mr. Ben: Well, let us say now, what would it cost to transfer a \$1 million piece of land into a land titles system which is presently under the registry system?

Hon. Mr. Wishart: Well there is a tariff which covers it, but to try to give you the figure offhand—

Mr. Ben: Well what I am trying to get at is that it is relatively peanuts, is it not?

Hon. Mr. Wishart: It is not a great expense.

Mr. Ben: All right. So if any department of government is expropriating land does it not transfer the land into the land titles system? Your solicitors and the Attorney General's department working for the land titles system would then have to pass the title anyway to bring it into the land titles system, and *ergo*, you would not have to hire a lawyer. They guarantee the title.

Hon. Mr. Wishart: Well if you are meaning to do it piecemeal, as you need a piece of land to make an application to transfer that parcel of land into land titles, I think

would be unwieldly and unnecessary and relatively expensive for that one transaction. If you are talking about putting all the land in the province under land titles so it will be there, that is another matter and it is an objective that we have, but at present we do it on the application of the county or the municipality.

But to say we want a piece of land in York which is in registry office, and first of all we are going to make an application and go through all the business of putting that in land titles that would not be really sensible.

Mr. Ben: Mr. Attorney General, are you suggesting that lawyers who have their clients transfer land into land titles system, thereby having the government certify the title, in effect are squandering their client's money? The government guarantees a title once it is transferred before they accept it into land titles system.

Hon. Mr. Wishart: Once it is in there.

Mr. Ben: Fine. So if other lawyers can do it for clients, why can you not insist that all land being expropriated or purchased by the government be transferred to the land titles system, and then the land titles would certify your title?

Hon. Mr. Wishart: After the expropriation?

Mr. Ben: As part of the expropriation process.

Hon. Mr. Wishart: Well I think to follow the procedures which are required in order to put a parcel of land from the registry office system into land titles, to do that for an individual transaction would be adding a great deal of expense to that transaction.

Mr. Ben: If you cut out the lawyer who searches the title and certifies?

Hon. Mr. Wishart: You cannot get away without some legal procedures.

Mr. G. R. Carton (Armourdale): There is a time limitation on this too!

Mr. Ben: The land titles would then guarantee your titles. They have searched the title.

Hon. Mr. Wishart: I would agree with you that it would be wonderful if the land were in land titles when you want to get it for government purposes. Then you would have a lesser delay in expense and trouble of searching. But to do it just because you want

a parcel of land—to go through all the procedure of putting it in land titles would mean delay and expense, I think, beyond all reason.

Mr. Ben: Do you know how many, if any, of the departments of government have retained private counsel or outside counsel who certify land being purchased by the government where that land is registered in the land titles system?

Hon. Mr. Wishart: Well, I think the department of government which does most of the purchasing, apart from The Department of Highways, for other departments is Public Works.

Mr. Chairman: Mr. Yakabuski.

Mr. P. J. Yakabuski (Renfrew South): Well Mr. Chairman, I have a few questions and one is with regard to the registry system and the land titles system. I understand that certain parts of the province are covered by the land titles system.

Mr. Singer: Practically all the districts.

Hon. Mr. Wishart: All the northern part; and some parts of the south.

Mr. Yakabuski: And why would this be? Why have we not got one system for the entire province? I understand land titles is the ultimate in a system. Is that correct?

Hon. Mr. Wishart: Could I answer this question now, Mr. Chairman—why is this?

In the older settled parts of Ontario, which is naturally the southern portion of Ontario, when people came and settled and took up land the land titles system had not been invented, as far as I am aware—that is what is known as the Torrens system. So therefore when we brought in settlers, the people who came to Ontario brought in the old system of title searching, as used in Britain particularly. That is the system which was set up here—the registry office system.

Then the northern part of Ontario was opened, the unsettled portion, and the large districts of northern Ontario were divided and the boundaries set. It was all crown land anyway, the Crown said we will certify the title; so you start with the crown title and you have the land titles system up there in most of these areas. There are a few places where there is the registry office, in the older settlements. In my own city for instance, which is pretty ancient too, the registry office had crept in; but most of that whole district outside of the city is land titles. That is why.

Mr. Yakabuski: Is there any problem in going to one system?

Hon. Mr. Wishart: First of all, for a government to certify the title now—to take, say, a section of York County which is under registry—would require a tremendous effort of searching every one of those single titles back lot by lot, back 40 years at least, to get what we call a good root of title and then taking the risk of saying: “We will certify that” or “Henceforth the good title starts from today.”

We leave it to the municipality to say: “You make application if you want the area in land titles”. And they pay part of the cost and we assist and the title is searched, the affidavits are made, the judge hears the application and title is confirmed and it goes over into land titles.

Mr. Chairman: Mr. Yakabuski, I just want to mention that this whole matter is under vote 907, and it is completely out of order at this stage. I did not realize we had a special section for it until just now.

Hon. Mr. Wishart: Let us not go back to it at 907.

Mr. Chairman: Well let us not repeat ourselves anyway. Let us stick to vote 901 at the present time. Shall 901 carry? Mr. Singer.

Mr. Singer: I want to talk about another subject. By “let us not repeat ourselves,” do you mean that we have exhausted the registry or do we go back to it on 907?

Mr. Chairman: When we get to 907 we may discuss it, but let us not repeat ourselves when we get to 907.

Mr. Singer: I wanted to talk about the Atlantic Acceptance royal commission which I would think is under this vote under the heading royal commission. First of all, I think that figure of \$10,000, I have ascertained over previous years, is in the event you have some new ones. It has no relation to anything that you specifically have in mind or is committed already. Is that correct?

Hon. Mr. Wishart: That is right.

Mr. Singer: Have you figures on the total cost of the royal commission inquiring into Atlantic Acceptance?

Hon. Mr. Wishart: Actual expenditures since the commencement of the commission, which was August 12, 1965, to March 31, 1970, \$1,198,307.

Mr. Singer: Pardon?

Hon. Mr. Wishart: \$1,198,307.

Mr. Singer: And that is everything, is it?

Hon. Mr. Wishart: That is up to March 31, 1970.

Mr. Singer: I see.

Mr. D. C. MacDonald (York South): It is a costly event in more ways than one.

Mr. Singer: March 31, 1970. Now are there any continuing expenses or are we finished?

Hon. Mr. Wishart: There are still some continuing expenses in preparation and completion of the reports. I have a figure here for expenditures for the period of April—no, that is an internal figure.

There is some small continuing expense in disposing of the material, and I do not know that would be of any great amount.

Mr. Singer: The Attorney General will recall that I entered into some correspondence with him about Atlantic late in December and early in January of this year.

Hon. Mr. Wishart: Yes.

Mr. Singer: The thrust of my inquiries at that time was: Who had been prosecuted or charged and what had happened to them? Were there more prosecutions or charges pending? If so, how many and who were they? To what extent had the disciplinary bodies of the various professions, particularly the legal profession and the accounting profession, been involved? What new legislation was going to be recommended as a result of Mr. Justice Hughes' various recommendations?

As far as we got, I think, in relation to that series of inquiries, was the Attorney General replied to me on January 21, when he wrote me a three-page letter and outlined the nature of the charges that had already been heard and their disposal, or the charges that had already been laid.

The other phases of my inquiries he did not answer, and to some extent I can understand the fact that he is not going to say—nor perhaps should he say—what charges were at that time being contemplated against others who had not as yet been charged; or perhaps, but not quite so obviously, what reports or suggestions had been made to professional disciplinary bodies, or even contemplated changes in legislation.

Some six months having passed since that correspondence, could the Attorney General

elaborate on what he said to me in his letter of January 21, or is that the last word?

Hon. Mr. Wishart: I think perhaps I will just open the matter and reply, and then ask Mr. Dick to give certain of the details again.

We did, as the hon. member says, give him certain information as to charges that had been proceeded with and—

Mr. Singer: And some were pending.

Hon. Mr. Wishart: Some were disposed of and some were pending, yes.

As to legislation proposed and what action might be taken on reports, I think it would be only proper to point out that this type of financial institution now comes under The Department of Financial and Commercial Affairs and the reports, of course, have been made available to that department. I presume there will be consultation if any tightening up of legislation is called for, but I do not have anything to state in the way of policy on that yet. What was the other question?

Mr. Singer: I would like, generally, an updating about charges. Have there been more charges laid or—

Hon. Mr. Wishart: This again, I—

Mr. Singer: Have there been more laid since you wrote to me on January 21, or have any of those that were just in the charge stage that were mentioned on January 21 as yet been disposed of?

Mr. Dick: Mr. Chairman, I might ask the hon. member: Did we give him a list of the ones that had been disposed of at the time of writing?

Mr. Singer: He talked about Walton, and I think he was dealt with.

Mr. Dick: There was a whole series, because what transpired was that at the outset of the inquiry it was felt that rather than wait until the inquiry was completed and so on, we had counsel working with the investigators in the commission, and as the evidence coming forward disclosed the commission of an offence, we then undertook the investigation and then undertook the prosecution during the course of it.

As a result—I am speaking just roughly—there were approximately one dozen prosecutions of various individuals. At the present time, there is still one that I know of that is pending before the courts which arose out of the Atlantic Acceptance matters. There

are a couple of more where the evidence and the materials are still under consideration, and whether or not charges will be laid will depend upon the completion of certain peripheral matters.

We do have a list, of course, and the breakdown of prosecutions of all the individuals that arose from this; what the outcome was at the trial, I do not have it immediately before me, but we can obtain that information.

As I say, other matters are outstanding in the courts, too, I think, at the moment, and there are others under review where no charges have as yet been laid.

As far as the disciplinary proceedings are concerned, both the chartered accountants' institute and the law society have taken action against some of the individuals who were involved, and those are matters of public record. I am not aware at the moment that either of those disciplinary bodies have any matters still pending, but that is not within my immediate knowledge. I am not aware of it.

Mr. Singer: Well, Mr. Chairman, perhaps to get us on the same track, let me review what this letter says. He talked about Walton, the way he was dealt with by the courts, and the concluding sentence says: "There were other charges, but in view of the disposal of the earlier ones, the further charges were not disposed of." I would imagine that disposes of Walton. Wagman—the same sort of thing: found guilty, sentenced, certain of the charges dropped. Walton and Wagman were accountants, and I would presume that the disciplinary body of the accountants' association have dealt with both Walton and Wagman—

Mr. W. C. Bowman (Assistant Deputy Attorney General): That is correct.

Mr. Singer: —and they are no longer accountants.

Reid was a lawyer, and he was dealt with by the court, and I know that the law society disbarred him.

White was sentenced to jail and fined, and there are further charges pending against him. He was sentenced to another three months in jail. He was to be a crown witness. So White has pretty well been dealt with except that he is to be—what is it?—a crown witness in the cases involving Gregory, Calladine, Tracy and Duncan.

Now let us ask specifically at this point: What has happened to the cases involving Gregory, Calladine, Tracy and Duncan?

Mr. Dick: Yes. The Gregory matter is still pending on one of the charges and has not yet been disposed of, I do not think. Calladine and Gregory have been committed for trial, but for one of those men, I recollect, some of the charges were dismissed, and they were committed on other of the charges.

Mr. Singer: Well how long is it going to be before we get some finality in relation to the charges against those three or four men? I did not quite follow you, whether one of them had been disposed of.

Mr. Dick: I believe that one of them was not committed on some of the charges; two of them were committed on other of the charges. Those have not yet come to trial, and will come to trial as soon as counsel have got the date fixed and as soon as the court has fixed a date for the trial.

Mr. Singer: Is it reasonable or likely to expect that they will be dealt with in June, or September, October; when?

Hon. Mr. Wishart: Perhaps Mr. Bowman can give us some idea. I cannot give you detail of that kind, but things in court, of course, must take their—

Mr. Singer: Some of them do take a long time.

Mr. Bowman: I do not think it will be set down until the fall. The preliminary hearing took three or four months.

Mr. Singer: That is in relation to which one, the Gregory one?

Mr. Bowman: Gregory and Calladine.

Mr. Singer: And Duncan, somebody said, had already been dealt with?

Mr. Carton: Duncan has already been dealt with.

Mr. Singer: Is Duncan a professional person?

Mr. Carton: Duncan was a mortgage manager.

Mr. Singer: And he has been tried and pleaded guilty? And Tracy is still pending?

Okay, over and beyond that, have there been any charges laid since this letter of January 21?

Mr. Bowman: Not to my knowledge.

Mr. Singer: I do not think there is anything more. This process of continual review

puzzles me a bit. In a very casual reading, and it could be no more than that, of Mr. Justice Hughes' report, it seemed to me that perhaps there were some other lawyers and some other accountants who acted in a casual manner. Is the Attorney General saying that the charges that have already been laid are all that are going to be laid? Or are you going to lay more resulting from the inquiry and Mr. Justice Hughes' report?

Hon. Mr. Wishart: I certainly will not say that that is all that are going to be laid, but we have had Mr. Justice Hughes' report, too, of course, for a long time. There is a continuing review. We will—

Mr. Singer: It is a rather lengthy report. It takes a lot of continuing review.

Hon. Mr. Wishart: We should be able to say, with some finality one of these days, that is it. As far as we can prosecute, the total number, and so on.

Mr. Singer: What is that date?

Hon. Mr. Wishart: I really cannot give you a date.

Mr. Singer: This has been a long, long royal commission. It is a long report, and it has been a long time elapsed. It would—

Hon. Mr. Wishart: It has been five years in the making.

Mr. Singer: —seem to me, it is unfair to persons whose names have been put forward in that report—and the implication might well be that they have done something wrong—and they do not know yet whether they are going to be charged. There is no finality in it. How long do you keep the thing sort of dangling?

Mr. Dick: We never will achieve that. If I may, Mr. Chairman, we never at any time, we cannot under the Criminal Code, say that no further charges will be laid as a result of any particular inquiry because there is no time limitation running under the Criminal Code. As far as we are concerned, it may be that at one particular point in time the evidence as it then stands does not warrant the laying of charges. But if further evidence comes to light at some point in the future it may be that we will, in the public interest, have to lay charges. We therefore do not at any time say that as far as the department is concerned, that series of events is disposed of and no further charges will be laid. That in itself would, of course, be misconstrued.

Mr. MacDonald: It is like the war crimes; it can go on for a generation or two.

Hon. Mr. Wishart: The commission will not.

Mr. Singer: It is pretty hard, Mr. Chairman, because of the serious nature of the events, it is pretty hard to anticipate. If you have not got some kind of finality, except what Mr. Dick says, one cannot exclude that the thought the persons who have taken the trouble to try to get through the four or five volumes of that report and who come across certain suggestions relating to certain names, are going to wonder why something was not done in relation to what Mr. Justice Hughes said about X and Y and Z.

How much longer does that phase go on? I suggested at one point before we got Mr. Justice Hughes' report, that if there were villains to be unmasked the villains might well have disappeared by the time we saw the report. Now we have seen the report, and by and large these people who are referred to in his letter of January 21 are people against whom charges were laid prior to the tabling of the report.

Hon. Mr. Wishart: We prosecuted during the hearing.

Mr. Singer: Yes, that is right. I have said that it was my opinion, as I read through the report, that there are others. I think anybody who has read the report at least would ask some questions about the conduct of certain professional persons referred to in that report. It seems just a little strange to me, Mr. Chairman, that there has not been some move since January 21.

I would not expect that the Attorney General and his officials would have digested this report in a week or two weeks, or even a month; but there have been now seven months since we have seen this report, something like that. I would think that we would have some indication at this stage as to whether or not, for the moment, this is it; or whether there is going to be more.

Hon. Mr. Wishart: I think we can only say that in addition to what is in the report, there is investigation to be carried on. I could not say that this will not result in further prosecutions; nor could I say that that is the end of the matter at the moment. I do not think you really expect me to say we are going to prosecute so-and-so and so-and-so, because it depends on the evidence that we can produce in order to make a case go forward.

Mr. Singer: I agree that from what Mr. Justice Hughes has said in relation to certain names of individuals, from what I imagine—and I certainly did not even attempt to tackle any part of the transcript—must be in the transcript, that led me to come to certain conclusions. There seems, at least to me, to be some evidence against some others; and not just one, perhaps four or five others. It would also seem to me that the evidence there would be of more than passing interest to the Law Society of Upper Canada and the disciplinary body of the accountants' association. It has been a puzzle to me as to why there has not been a move in this direction.

Hon. Mr. Wishart: There are moves of which you are not aware, and which, I think, I cannot tell you.

Mr. Chairman: Mr. Lawlor.

Mr. Lawlor: Just on royal commissions: There were a number of them going within the last couple of years. What remains? The pollution of air, soil and water is finished; the McGillivray is finished; the Rand is finished; McKay is finished; and the Hughes apparently is finished. What have you on your plate at the present time?

Hon. Mr. Wishart: We have one about—well I think the Dutch one is finished, is it not?

Mr. Lawlor: No, but the Diazinon is.

Mr. Singer: The Mafia—the \$10,000 might be devoted to that.

Hon. Mr. Wishart: That was filed in the House.

Mr. Lawlor: Was it tabled in the House? Then they are all done.

Hon. Mr. Wishart: I do not think there are any on our deck. I thought the one about the poisoning of the ducks was outstanding, but it seems to me that was tabled in the House.

Mr. Lawlor: Did you have the responsibility for paying for the McKay report on moral education?

Hon. Mr. Wishart: No. That did not come in on our—

Mr. Lawlor: Education, that was a study—

Hon. Mr. Wishart: It was not a royal commission anyway, was it?

Mr. Lawlor: I think it was. I have it listed as one.

Mr. Dick: It was not constituted under the Public Inquiries Act. That is our distinction, Mr. Chairman.

Mr. Chairman: Mr. Lawlor, anything further?

Mr. Lawlor: No.

Mr. Chairman: Mr. MacDonald.

Mr. MacDonald: Mr. Chairman, may I have your guidance? I want to raise once again the question of the Bird and Stevens assault case, because in my view it touches on the whole question of the administration of justice in this province. My question to you at the moment is—should it come under “policy” in vote 901 or would it fit under “crown legal services”, in vote 2, because that is where the initial problem emerged, on the availability of those legal services?

Hon. Mr. Wishart: It does not matter which one, as far as I am concerned.

Mr. Chairman: I wonder if it would not come under 914, criminal and general law enforcement?

Mr. MacDonald: Mr. Chairman, you can bat it around; it falls in two or three categories but it is concerned as much in terms of policy in the administration of justice as in policy in relation to it.

Mr. Chairman: What vote are you suggesting it should come under?

Mr. MacDonald: Well either vote one or two.

Mr. Chairman: Under crown legal services?

Mr. MacDonald: Yes.

Hon. Mr. Wishart: Perhaps under 902.

Mr. MacDonald: If you want to have a sense of progress and get rid of 901 and go to 902, I have no objection.

Hon. Mr. Wishart: Perhaps 902; that is where the crown attorneys are.

Mr. Chairman: Yes I think this is the most appropriate section, Mr. MacDonald. A feeling of success and progress or not, shall 901 carry?

Vote 901 agreed to.

On vote 902.

Mr. MacDonald: Well Mr. Chairman, I come back to this issue again because I was interested the other day when a number of

members of the committee, including my colleague the member for Lakeshore, accused the Attorney General of having a tendency to defend members of his rather far-flung establishment, even on occasions when they did not deserve to be defended. The Attorney General appeared to reply effectively by saying that he had forgotten Landreville and the Bannon-Gardhouse episode and Kurata and so on. It is true that at that high level he has moved, and I think wisely so, because public confidence was beginning to be undermined.

But in my view the handling of the case of the Bird-Stevens assault is an instance when the Attorney General has defended a situation in face of facts which, if he did not know he should have known. He has repeatedly stuck to some of those facts which were given to him by his senior crown attorney in the area and by the crown attorney, when there is plenty of other evidence from other officers of the provincial government to question those facts; as well as the representations that were made to him in the first instance by James Karswick of the firm of Best, Hornell, Karswick and Saunders, who was retained by the Ontario Union of Indians to defend Bird and Stevens.

If, in the first instance, the Attorney General had stated the case inadvertently presenting some of these facts, anybody can be forgiven in an organization of this nature for accepting the word of some official in his department. But what I want to draw to the attention of the committee, Mr. Chairman, and the Attorney General, is that he had on record, prior to the time when this was first raised in the Legislature extended correspondence going back as far as September 5 last year.

May I just recall for the committee that the assault took place on April 5, 1969. The trial took place on May 26, June 10 and June 16. There was no appeal.

Some months later, on the request of his clients, the Ontario Union of Indians, Mr. Karswick wrote and outlined to the Attorney General what had happened, expressing his concern with regard to what he thought was a miscarriage of justice. Incidentally, on that occasion the Attorney General thanked Mr. Karswick for drawing this to his attention.

There was an exchange of letters that went on throughout the fall. At one point Mr. Bowman came into the picture, replying on behalf of the Attorney General. So that when I raised the question in the House on December 16, the Attorney General must have been

familiar—should have been familiar—with the case. When he replied to my questions, he immediately provoked a series of letters, in the first instance from Mr. Karswick and in the second instance from Ross McClellan, who was the other officer of the provincial government who was in the field and had been thoroughly familiar with it.

Furthermore, when we went on into February after the House resumed and I asked questions, again we got a repetition of what was misinformation and misrepresentation of what happened. Finally, when I dealt with the whole thing fully in my throne speech on March 3, the Attorney General reviewed very thoroughly, I would have thought, the whole case; and on March 19 he presented another statement to the House.

In trying to reconcile all that has gone on here, it becomes awfully complicated. Quite frankly, what I am going to do is to work from the format, so to speak, of what the Attorney General said on March 19.

But before I do that, I want to remind the committee of this: As I said a moment ago, not only were there officers of this department involved, such as the crown attorney and the justice of the peace and others in the area, but there was Ross McClellan, who was a community development officer in the Indian development branch of The Department of Social and Family Services. In attempting to nail down one key point, which I will come to in a moment, I finally persuaded the minister for that department to table in the House a copy of an interdepartmental memo which came from Ross McClellan to the then head of that branch, Mr. Dufour, dated April 16 last year.

But there is another rather significant point. I never succeeded in getting either this minister, or the Minister of Labour (Mr. Bales), to give us what we were entitled to in my view; namely, the interdepartmental memos from another officer, who was completely involved from the outset, namely, an officer of the human rights commission in the province of Ontario. I started out by asking the Minister of Labour, and he made excuses and evasions, an area in which he has a very well developed capacity.

Ultimately the question was handed over to the Attorney General, so the Minister of Labour bowed out. The Attorney General finally said it was not within his jurisdiction, the Minister of Labour would have to table it. And we never got it.

Mr. Chairman, I have the file and I am going to introduce the material on that file

during the course of my review of what happened here. In my own view it proves conclusively that, not unwittingly but wittingly, the Attorney General has seriously misrepresented what went on in this case. He either wittingly misrepresented it, or was equally guilty of not going to the records, which were available, in making statement after statement that simply did not represent what happened.

Having made those general assertions, let me deal with the Attorney General's statement of the case to be found in *Hansard* of March 19, No. 22. I am going to start on page 820. I want to pick about six or eight points here just to show you how completely off base—

Hon. Mr. Wishart: March 19?

Mr. MacDonald: This year, 1970.

Starting on page 820, the Attorney General referred to the fact that Paul Bird and Elizabeth Stevens had come to visit the OPP in Hearst immediately after the incidents in the hotel and that police officer J. R. T. Code had noted that Mr. Bird had a small cut over his eye, and so on. He had taken their statements and he had immediately gone to the Queen's Hotel and interviewed Mr. Comeau, the manager of the hotel, who contended that he had not been involved and there had been no fight. In other words, he lied. And I say he lied, because subsequently he was taken to court and convicted.

Hon. Mr. Wishart: He may have lied. I do not know.

Mr. MacDonald: Well, he did lie because—

Hon. Mr. Wishart: I did not—

Mr. MacDonald: At least in the view of the judge, when he subsequently got into court, he was lying and misrepresenting the case.

Hon. Mr. Wishart: But I did not interview Comeau and I did not accept any statements from him.

Mr. MacDonald: I quote the Attorney General's words:

Hon. A. A. Wishart (Minister of Justice): Due to the conflicting evidence, and the fact that the police officer could not satisfy himself as to what exactly had happened, he advised the complainants that they should place their complaint before the justice of the peace. He then called the justice of the peace—

Hon. Mr. Wishart: To the police officer.

Mr. MacDonald: To the police officer.

Hon. Mr. Wishart: The usual and proper thing to do.

Mr. MacDonald: Right. Okay. And now I want to read this one paragraph:

The following day, said the Attorney General,

—April 6, 1969, the police officer continued his investigation of the incident. Through his investigation he ascertained that on the previous evening a fight had broken out between John Bordues and the persons at Mr. Bird's table as a result of comments that had been made by Mr. Bordues and a man named Fernand Lacroix, who had allegedly been pestering the people at Mr. Bird's table. The police officer made detailed measurements of the lounge in which the fight had taken place and noted all the appropriate particulars of the premises in order that he could properly relate the statements of the various witnesses and perhaps thereby resolve much of the conflicting evidence.

I may say, Mr. Speaker, again interjecting, that all this material is taken from the detailed records as to the time, place and detail taken from the police constable's diary.

That is the end of the quotation.

The fascinating thing here, Mr. Chairman—not the fascinating thing, the shocking thing—as I shall put on the record in Mr. Karswick's own words in a letter which he sent to the Attorney General—is that when he spoke to the crown attorney on April 28, some three weeks after, he asked for the police records and he never got them, though he was entitled to. Furthermore, when Mr. Karswick arrived on Sunday night, May 25, 1969, the day before the trial held in Hearst, he went to the police and asked them for a copy of the dope sheet, there was none. The Attorney General has told us this has been investigated thoroughly, but there was none. The police officer got his notebook out.

Hon. Mr. Wishart: No, his diary.

Mr. MacDonald: Yes, his little notebook, in which he had scribbled notes. Nothing had been transferred onto a dope sheet and the next day, literally 15 or 20 minutes before the trial began, Mr. Karswick was finally able to get from the police officer a copy of the dope sheet which had been typed out that morning when the officer came down to the bureau in Hearst.

This is the kind of investigation that has gone on. Let me show you—I am not a lawyer and I do not have to deal in court with what the police provide to counsel—but I have a copy of the dope sheet here.

Hon. Mr. Wishart: But the police usually give evidence from a diary. A policeman usually does this from his notebook.

Mr. MacDonald: He provided the dope sheet.

But just let me read all that is on this dope sheet. It was not produced some time in advance as a result of thorough investigation; as a matter of fact, it was typed out six weeks after the assault and delivered to Mr. Karswick 15 or 20 minutes before the trial began. That is the extent to which the police played their role in assisting justice in this instance. However, let me quote from the dope sheet, and it is rather brief:

PC Code will state that on April 5, 1969, at approximately 7 p.m., the complainant, his wife and Elizabeth Stevens reported in person to Hearst detachment office. Paul Bird, Elizabeth Stevens, both complained of being assaulted by Claude Comeau. Paul Bird was emotionally upset, had water in his eyes and had a cut above his right eye about one inch long. Elizabeth Stevens was composed and had a reddened left cheek and appeared swollen. Paul Bird stated that as a result of the constant annoyance by a party seated next to his table, he asked the aforementioned party to be quiet and a scuffle ensued. At this time the accused and another bartender, Breton, took Bird into the washroom where he was assaulted. Elizabeth Stevens will state that she was struck in the face by Comeau and they dragged Paul Bird into the washroom. Madeleine Bird will state that she was thrown out of the hotel and tried to get back in, being concerned about Paul's welfare and where she for the door barred—

The typing runs off the page so I do not know the word.

It reads: "For the door barred, she broke a window with a bottle of hairspray."

Mr. Carton: "Found the door barred."

Mr. MacDonald: I guess you are right: "She found the door barred, and she broke a window with a bottle of hair spray."

Now, Mr. Chairman, from all of the detailed investigations which the minister has stressed, this is all that was provided. And not when the request went to the crown attorney three weeks after the assault and three weeks before the trial, but 15 minutes before the trial. That is point one.

Now, the next—

Hon. Mr. Wishart: That is probably how we would have presented it to the crown attorney, and I have been a crown attorney

and I know how these things are done. That is probably the way it would have come, had I been acting myself.

Mr. MacDonald: I will tell you—please do not persist—

Hon. Mr. Wishart: No, I will persist because—

Mr. MacDonald: —in defending the situation because it is indefensible.

Karswick asked the senior crown attorney when he called him—and we will come back to that little episode in the whole story—on April 28 for a copy of it, and he never got it. When he travelled to Hearst the night before the trial, he had to go to the police station and found that it was still all in the notes and had to persuade them to transcribe it and got it 15 minutes before the trial. Surely that is indefensible.

Hon. Mr. Wishart: He was going to call the police officer as a witness, and he had his notebook in front of him to give his evidence. That is the way they usually—

Mr. MacDonald: Let me go on to point two. This is even worse. I am quoting from the Attorney General's statement on March 19 in the House.

On April 7, 1969, the following day, the police officer served the summons upon the defendant Co-meau. On the same day the detachment office was visited by two representatives whom the police officer believes to be representatives of the Ontario Human Rights Commission, although there is some doubt in his mind whether or not one of the representatives may have been a representative of the Union of Ontario Indians. In any event, these representatives asked for and were provided with information relating to this incident. At that time, the police officer was advised that these individuals and the people they represented would be obtaining a legal adviser for Mr. Bird. It will be noted that this advice was provided to the police officer on April 7, two days after the offence.

Now, Mr. Chairman, this is a very key point, and the Attorney General and I have wrangled over this point many times in the House. The fact of the matter is that the Attorney General is dead wrong on the facts.

Hon. Mr. Wishart: I am wrong about the day. I said it was the same day, but that was information given to me—that they visited the same day—but I think that is rather an immaterial point. I admit it is not the right date.

Mr. MacDonald: You think it is immaterial? Well, let us go back to exactly what happened. Let us go to the human rights file which you and the human rights commission have assiduously under cover.

Hon. Mr. Wishart: I admit that at once, that they did not visit the same day, but that was the information that first came to me.

Mr. MacDonald: First came to you? This is on March 19.

Hon. Mr. Wishart: Well that was the way it came to me.

Mr. MacDonald: You exchanged letters and disputed this point in a series of letters with Karswick last fall; you had replied to me erroneously in the House on December 16; you had exchanged letters with Karswick and repeated the misrepresentation of facts in January and February, and on March 19, six months after you had first begun to look into this, you were still repeating the misstatement of facts.

Hon. Mr. Wishart: Mr. Chairman, I can only say that I am quite prepared to admit that the human rights officer did not visit the police officer the same day. That was the information that first came to me, the information I had when I made my statements. I find out that is not so and am quite quick to admit it when I find out this is so.

Mr. MacDonald: Well we will come to it, because you see one of the consequences—

Hon. Mr. Wishart: But I do not think it matters greatly in the result of the case, in the handling of the case, whether they saw him the next day or two days later.

Mr. MacDonald: It is very important, Mr. Attorney General; let me make my point. It is very important because one of the key points here is: Why did the crown attorney not accept his responsibility to prosecute this? And the counter argument is—

Hon. Mr. Wishart: He knew nothing of it.

Mr. MacDonald: He knew nothing of it, because the justice of the peace had said to the complainants: "You will have to lay a private complaint." The reason this assertion is repeated in all of the misrepresentation of the facts down through these months is that the people were told by the JP to take private action. The Attorney General at one point, "the day after the event, when these people came." Now, what are the facts? They are in the human rights file.

Hon. Mr. Wishart: The fact is that no one, not the human rights officer, nor the development officer, no one approached the crown attorney at any time ever. Mr. Karswick did when he came up to prosecute the case.

Mr. MacDonald: This is going to be longer than you think then, before we get this all in the record. And the Attorney General tragically is persisting in defending the indefensible—

Hon. Mr. Wishart: You will find nothing in the facts to say that anyone approached the crown attorney until Mr. Karswick did, who had been retained.

Mr. MacDonald: Let me go ahead. In the human rights file, four days after the assault, April 9, there is the first notation signed by Bruce J. Lenton, the human rights officer, of a telephone call that came from Bert Sutherland, the chief of the Constance Lake band relating what had happened and expressing his concern. The next day there is a letter on the file where he wrote to Chief Sutherland and indicated that he was coming in to look into the situation—this is Mr. Lenton who was coming in.

On April 10, there was a telephone call from Ross McClellan, who was the Indian community development officer in the area, to the human rights officer, telling him that there was a situation that should be looked into. On April 11, Bruce Lenton arrived on the scene and there were a series of reports.

First, there was his meeting with Bert Sutherland, the chief of the Constance Lake band; second, a meeting with Bert Sutherland, plus Mrs. Lottie Bird, Mr. Peter Bird and Mr. Louis Bird; third, a telephone call on April 11 to Mr. Ross McClellan saying that he wanted to have his assistance in getting to know the Indian community. On April 12 there was a meeting with Paul Bird and Mrs. Elizabeth Stevens. On April 12 again there was another meeting with Mr. Bird.

On April 13, finally, after all of this exploration, Mr. Lenton then meets with Mr. Trowsse, justice of the peace, police officer Code and Ross McClellan of the Indian development branch; and I want to read this memo:

The officer discussed with Mr. Trowsse the manner in which this case was investigated. He replied that they did not compile any documentation.

This is Trowsse. The OPP officer read from a pocket book of a few rough notes on the interview of Mr. Paul Bird at the time the charge was laid.

The OPP officer stated that he had talked to the proprietor, Mr. Comeau, however, not much information about that interview was given except Mr. Comeau

was trying to kick Mr. Bird out when he went into the washroom himself.

In other words, Paul Bird was forced into the washroom. I note the following for the Attorney General's attention:

The OPP officer admitted that he stated to Mr. Bird at the time he laid the charges that he should have fought back.

A wonderful piece of advice, because any time a fight emerges no matter who starts it, if an Indian is involved, the Indian is the one who is charged. That is the standard experience.

Hon. Mr. Wishart: The Indian was not charged.

Mr. MacDonald: I say, any time an Indian and a white man get into a fight, no matter who starts the fight, it is ultimately the Indian who gets charged.

Hon. Mr. Wishart: Did the Indian get charged here?

Mr. MacDonald: No.

Hon. Mr. Wishart: All right.

Mr. MacDonald: Right. In these instances that is why this proposition of "why do you not fight back" is not only bad advice; it is the kind of thing that immediately gets the Indian on the wrong side of the law.

Hon. Mr. Wishart: I do not know what kind of advice was given, but that is not the point. The point is that the Indian was not charged here; Comeau was charged—the white man was charged.

Mr. MacDonald: I continue the quotation:

The officer asked why the case was not thoroughly investigated by the OPP; why the documentation was not compiled and presented on Mr. Bird's behalf to the court.

Mr. Trowsse replied that the matter was regarded as a private one between Mr. Bird and the proprietor. He claimed it would be different if the OPP were called in at the time of the incident, but under the circumstances they only had Mr. Bird's side of the case.

How do you reconcile that with the great investigation that the Attorney General contends was made?

Hon. Mr. Wishart: Mr. Chairman, if I am to be asked questions, I like to answer them as they are given. All I see in this is that Bird came to the OPP officer, Code. He called

the justice of the peace from the justice of the peace office and a charge was laid against Comeau, the hotel man, for assaulting Bird, the Indian. To go back to what Mr. Trowsse said, the justice of the peace, having come up and taken the information and prepared it and had it signed, does not compile documentation. Never does the justice of the peace do that.

The policeman makes the investigation, puts it in his diary and is prepared to be called as a witness, as he was. Generally, he gives the evidence. As I have often observed and I am sure the hon. member has, the police officer opens his book and says, at such and such a time, at such and such a place, this was the state of affairs, this was the condition, this was what happened, this is what I found. He did not see this fight—

Mr. MacDonald: I shall try to avoid asking questions so that the Attorney General need not come back and break the sequence of my presentation.

Hon. Mr. Wishart: I like you to ask questions, but I like to clear them up as we go along.

Mr. MacDonald: The point here is—the Attorney General says nobody went to the crown attorney. They did not go to the crown attorney—

Hon. Mr. Wishart: No, nobody went to the crown attorney.

Mr. MacDonald: —because the first person they went to, the law officer who is the justice of the peace, and Mr. Trowsse stated that the matter was regarded as a private one—

Hon. Mr. Wishart: But they still were not precluded from placing it before the crown attorney.

Mr. MacDonald: —between Mr. Bird and the proprietor. He claimed it would have been different if the OPP were called in at the time of the incident, but under the circumstances they only had Mr. Bird's side of the case. The OPP officer stated further that he would be unable to give any evidence since he was not present at the time. In short, here was the first contact with any law officer or officer of the department, in which the officer stated clearly that this was a private complaint and they would have to go ahead on their own. Why should they go looking after the crown attorney when they had been given that kind of clear instruction?

Hon. Mr. Wishart: Mr. Chairman, he asks that question now and we will answer that one. Why did he not go? Here was a knowledgeable officer of the human rights commission and a knowledgeable Indian development officer. One certainly would have thought, if they were seeking the law officer of the crown in that area, there was Mr. Caldbick, the senior crown attorney, and Cloutier, his assistant crown attorney—both available—that they would have said, "Here, what about this case? Are you not going to prosecute it, why are you not?" Instead of waiting until it was all over and then saying, "Why did not they get busy and prosecute?" That is a funny thing. It is a curious thing.

Mr. MacDonald: Mr. Chairman, it is all very well for the Attorney General at this point to say that this knowledgeable officer of the human rights commission should have known better. Paul Bird went to one officer, the justice of the peace. He was told it was a private complaint. As a matter of fact, the next day, in the file of the Human Rights Commission, dated April 13, there is a note of a meeting with Mr. Bird and Ross McCellan in which the officer, that is the human rights officer, Mr. Lenton, explained what he had discovered from Mr. Trowsse and pointed out the need for a lawyer, the necessity for winning the case, and so on. In other words—

Hon. Mr. Wishart: One would have thought, why would he not have come to the Attorney General then, if this was such a strange thing, if this was such an unjust thing? Why would he not have said: "I am going to get the Attorney General to see if this is the way things are done"? He did not, not until the whole thing was over. Then they say, "Pay the lawyer's bill"; and when I say, "No," they say, "This is bad."

Mr. MacDonald: Mr. Chairman, the Attorney General is engaged in a calculated obfuscation of this whole presentation.

Hon. Mr. Wishart: I am not. I am trying to get you to understand the truth—

Mr. MacDonald: I understand what happened and what I am saying to you is that officers of the department did not do their job. What is more important, this is a standard procedure in that area, in terms of Indians not getting justice, not getting a fair shake in the administration of the job. This is the opinion of the community development officer, who is an officer of another department in this government. This is the opinion of

Mr. Lenton of the human rights commission, so please do not dismiss it.

Hon. Mr. Wishart: If this is so, if they felt the job was not being done, why would they not approach the Attorney General? This is what I say.

Mr. MacDonald: Perhaps the Attorney General, in his "closed-mind approach" to it now, is giving the best evidence of why they did not want to approach the crown attorney at that time.

Hon. Mr. Wishart: No, I am trying to find out—

Mr. MacDonald: However, may I continue?

Hon. Mr. Wishart: It is very obvious.

Mr. MacDonald: On April 14, you have the next notation in the human rights file in which Mr. Lenton called Mr. Borovy of the Canadian Labour Congress, who was concerned with human rights defence, and there is the first effort to get a lawyer. As the file indicates, there were then contacts with the Union of Ontario Indians, calls to Omer Peters, and so on. Finally, the Union of Ontario Indians agreed that they would seek a lawyer, and some time, about the 20th or the 22nd, they retained Mr. Karswick to defend these people.

The proposition that all of this failure on the part of the crown attorney and others to accept their responsibilities, was because of the immediate intervention by the Indians and other officers, namely, the human rights commission and the Indian development branch, saying that they wanted to carry the case on as a private complaint, is simply not correct. I repeat, Mr. Chairman, not only is it not correct, the Attorney General had the government files there for access—

Hon. Mr. Wishart: And they prove my point.

Mr. MacDonald: —and he never consulted them or he would not have accepted so unhesitatingly the version of the story that was given to him by his own officers. I go on to page 821. I quote the Attorney General again:

Mr. Karswick indicated that he was advised there was some reluctance on the part of the authorities at Hearst to prosecute the case and asked if the crown attorney had any objection to Mr. Karswick's appearing for the complainant. Mr. Karswick did not ask Mr. Caldbick to prosecute the case nor did he intimate to him that this was the desire of the Union of Ontario Indians or anybody else—

Now if the Attorney General goes back to the letter that was written six months prior to that by Karswick, on September 5, he will

find Karswick's accurate version of the story. He called Mr. Coldbick and asked whether the crown attorney was going to take this case. The Attorney General is disputing that. I have the letter here, September 5—Mr. Karswick's letter to you.

Hon. Mr. Wishart: Yes, his letter to me.

Mr. MacDonald: Top of page two.

I was advised, also, after the inquiries were made at the local court office, that this matter was regarded as a private complaint and therefore the crown attorney would not be prosecuting.

Hon. Mr. Wishart: This is Karswick's letter to me?

Mr. MacDonald: Right, to you, so you knew about it.

Interjection by an hon. member.

Hon. Mr. Wishart: But there is no letter, and I suggest the hon. gentleman will never find the letter where Mr. Karswick said to the crown attorney, "Will you prosecute?" Mr. Caldbick, the senior crown attorney and a gentleman, I think, of honour and probity, says there was never any suggestion that the crown attorney would prosecute.

This is the crux of this matter. Nobody wanted the crown attorney to prosecute. That is the crux of the whole matter.

Mr. MacDonald: Well, the crux of the matter is that when they went to the various offices around—

Hon. Mr. Wishart: Nobody wanted them to prosecute.

Mr. MacDonald: —Hearst, they knew that they were going to get such a poor shake that they did not pursue it any further.

Hon. Mr. Wishart: If they felt there was a sense of injustice at that time, that is what they should have asked the Crown.

Mr. MacDonald: If the Attorney General would please let me present the case instead of trying to—

Hon. Mr. Wishart: You are not presenting it very fairly.

Mr. MacDonald: —confuse the situation even further. When Mr. Karswick called the senior crown attorney on April 28, three weeks afterwards, he knew nothing of the case, you are right.

Hon. Mr. Wishart: He knew nothing of it, no.

Mr. MacDonald: At that point when he discovered what had happened, you would have thought he would have intervened and taken the necessary steps to get things back on the rails.

Hon. Mr. Wishart: Mr. Karswick was retained to act.

Mr. MacDonald: He was not retained to act. He was called in to find out whether the crown attorney was going to take the case, and when Mr. Caldbick insisted that he—

Hon. Mr. Wishart: No, I cannot accept that.

Mr. MacDonald: —was not going to take the case, then he said, "Well, I will then have to proceed with it."

Hon. Mr. Wishart: I cannot accept that.

Mr. MacDonald: You cannot accept—

Hon. Mr. Wishart: My senior crown attorney who got the correspondence, who got the calls, said there was no complaint.

Mr. MacDonald: Why did the crown attorney not come into the picture?

Hon. Mr. Wishart: Because he was not wanted.

Mr. MacDonald: Just for one moment, maybe it would have been useful if he had gone back and read this file. I have here the final note on the file from the human rights commission.

Hon. Mr. Wishart: That is Mr. Wright—

Mr. MacDonald: It is rather a fascinating one because it happens to be dated February 15.

Hon. Mr. Wishart: That is Mr. Lenton, I have read it.

Mr. MacDonald: What was that you said?

Hon. Mr. Wishart: I said that is Mr. Lenton and I have read that letter.

Mr. MacDonald: What letter?

Hon. Mr. Wishart: The one you are referring to, I think it is in the file.

Mr. MacDonald: It is a notation on the file on February 15, 1970, which is no more

than three or four months ago. It is a final footnote to the whole case. It is rather brief. I want to put it on the record because it is illuminating in more ways than one.

Mr. Lenton is recording a meeting with Robert Perras, the defence counsel for Mr. Claude Comeau, I quote:

The officer attempted to explain the frustrations of the Indian people and thus the involvement of the commission, and so on. Mr. Perras indicated that he understood the commission's role and agreed to clarify a few legal points. The officer stated that the charge should have been "assault with intent to do bodily harm." Mr. Perras stated that the JP usually did not have that charge sworn out unless the individual was hospitalized.

If I may interject, is that always the case? A man goes into a police station and he has a one-inch gash over his eye, and blood is pouring down his face. Is that not assault with intent to do bodily harm?

Hon. Mr. Wishart: That is not regarded as a serious assault, if you want that question answered. It is common assault.

Mr. MacDonald: To continue:

He stated that serious injury was not involved, and since the police were not called to the hotel the matter became a private complaint. The officer asked about documentation. Mr. Perras replied that the police could not investigate since they were not involved in the incident. The officer expressed his dismay, but Mr. Perras insisted that this was the proper procedure. The officer explained that Mr. Bird was told to present his own case, etc. Mr. Perras indicated that normally the crown attorney was obliged to prosecute all such cases, but that Mr. Cloutier was un-eager to do so.

Hon. Mr. Wishart: Where is that evidence?

Mr. MacDonald: He said—

Hon. Mr. Wishart: That is Mr. Lenton's say, without any evidence.

Mr. MacDonald: He said, "I do not think Cloutier would have taken the case because Comeau was his client."

Hon. Mr. Wishart: These are speculations.

Mr. MacDonald: These are not speculations.

Hon. Mr. Wishart: Yes they are. There is no statement from Cloutier that he would not act. That is Mr. Lenton's suggestion.

Mr. MacDonald: To continue:

Referring to the time Mr. Cloutier was in private practice. Mr. Perras, however, stated that Mr. Cloutier would most likely have had another crown attorney prosecute.

Hon. Mr. Wishart: This is again speculation, purely and simply—somebody's idea that this might have happened.

Mr. MacDonald: The Attorney General may dismiss it all as speculation. Ross McClellan who was there, his information was dismissed—

Hon. Mr. Wishart: That is Ross McClellan who is making that—

Mr. MacDonald: This is Bruce Lenton of the human rights commission.

Hon. Mr. Wishart: Yes, I mean Lenton. When he says the officer says this, that is Lenton talking.

Mr. MacDonald: Right.

Hon. Mr. Wishart: And he is the officer, and he says he is making speculations. That is right in his statement there in front of you.

Mr. MacDonald: Everything that comes from everybody who is not on your staff is engaged in speculation.

Hon. Mr. Wishart: No, I want facts.

Mr. MacDonald: Facts?

Hon. Mr. Wishart: Facts.

Mr. MacDonald: You have dismissed the facts. Repeatedly in your statements you have mutilated the facts. You have misrepresented the facts to defend your own particular version of the story.

Hon. Mr. Wishart: The hon. gentleman is reading speculation and calling it fact. I cannot convince him otherwise, I suppose.

Mr. MacDonald: Then they go on, on page 822; the Attorney General is quoted as saying:

If the Union of Ontario Indians or the Ontario Human Rights Commission or any other individual wants to seek the advice or the assistance of the crown attorney, all he has to do is to contact the crown attorney and bring the matter to his attention.

And a little later:

The difficulty arises from the fact that the complainant within hours—

there we are at the old theme:

—within hours after the incident had given the impression to the police officer that they were going to have their own lawyer.

The fact of the matter is, that they made their decision 10 days later, not within hours.

In that connection it is rather interesting to note the other version of the story, because Ron Haggart wrote about it in one of his columns after he had reviewed this whole case. Oh, I know the Attorney General shakes his head; Ron Haggart is another man whose views are dismissed.

Hon. Mr. Wishart: No. He did not have the facts either.

Mr. MacDonald: He had the facts. Ron Haggart in his Toronto *Telegram* column notes on March 11:

Mr. Wishart told the Legislature that the Indians were perhaps wrongly advised and they had hired a private prosecutor, when they do not need to, and apparently there was a move on foot to bring somebody else in. Further investigations appear to have changed the Attorney General's mind.

A *Telegram* reader sent the columns of early February to Mr. Wishart, and he replied with an understanding letter, which among other things said:

"As the article indicates, it was unfortunate that the justice of the peace took it upon himself to advise these individuals that the crown attorney would not be acting on this particular complaint."

Hon. Mr. Wishart: I will not back away from that. All I say is that we never got the case to the crown attorney.

Mr. MacDonald: They never went to the crown attorney because—as the Attorney General did not ever say in the House but said in a letter to a correspondent:

It was unfortunate that the justice of the peace took it upon himself to advise these individuals that the crown attorney would not be acting on the particular complaint.

The Attorney General admits at this point that it was unfortunate that it happened. Do not let him go off on another line of logic and blame them for not going to the crown attorney.

Hon. Mr. Wishart: I am quite prepared to admit that if they were advised by Trowsse

that they had to have a private prosecution, that was poor advice. But as I read the whole file—and I read everything that was written that I could find about it; I read the report of the crown attorney—it seemed to me, and this I will say, that there was a determined and deliberate attempt not to seek the crown to prosecute this case.

Mr. MacDonald: How, after all this the Attorney General can in a bull-headed way stick to that assertion in light of all the facts is just incomprehensible. The Attorney General is proving my basic point: namely that you dig your heels in after accepting a version of the situation from some of your own officers in this instance, dismiss the evidence on the records from two other officers of other departments of the government, never entertain it—

Hon. Mr. Wishart: I did—and that evidence of those officers really convinced me, because they were the knowledgeable people. They convinced me that there was no desire to have the crown attorney. This was their evidence, and you will not find anywhere where they sought him. And if there was a sense of injustice at that point that the crown attorney was not acting, that was the time for them to say, either to Mr. Caldbick who is the senior crown attorney and right there in the district, or Mr. Cloutier: "Why do you not act?" And if they felt there was a sense of failure on the part of the Crown, or if there was injustice being done to these Indians because the Crown would not act, then that was the time to come to the Attorney General. This you see they did not do. This is at the base of the whole case, and it is the letters of Lenton, and the investigation of Lenton and the Crown—and I read everything they wrote—that convinces me that they did not want, did not seek, the crown attorney to prosecute.

Mr. MacDonald: The tragedy of this situation, Mr. Chairman, is that the people who are attempting to work with the Indians in that area—and when we get on to other votes, I will bring some further evidence that is available from the files—are frustrated because a biased approach to the administration of justice exists.

What happened up there was that finally, finally, there were Indians who had the courage to lay charges and fight. They got justice in the white man's court.

Hon. Mr. Wishart: Right, right!

Mr. MacDonald: They got justice. The man was convicted.

Hon. Mr. Wishart: There was no miscarriage of justice.

Mr. MacDonald: There was a miscarriage of justice in the fact that they had to take their own courage in their hands and make a private complaint.

Hon. Mr. Wishart: They could have had the Crown.

Mr. MacDonald: They could not have had the Crown in the light of all that had happened.

Hon. Mr. Wishart: They certainly could.

Mr. MacDonald: Now, Mr. Chairman, the Attorney General persists, and I do want to take the time of the committee to put two final records on it. I know that this minister is never going to change his view. His mind is closed on this but I am going to put on record the final comments of James Karswick, the lawyer who is involved, and Ross McClellan, following the last statement of the minister on March 19.

If the minister wants to try to confuse and argue with my presentation of it, my whole role in this has been to put on the record those who were involved.

Now, this letter of Mr. Karswick's is dated April 2, 1970. I am not going to read the first page or so where he reviews how he had corresponded with the minister, how he had come back into the picture after I had raised the question in the House. He presumes that I had been informed by the Union of Ontario Indians. I will not examine that presumption but certainly I was not informed by Mr. Karswick. He had no contact with me at all until after I had first raised questions and the minister started to misrepresent the situation by his first statement in the House on December 16.

Starting on page two of his letter:

Further, I should like to point out some of the more serious inconsistencies and inaccuracies which appeared in your reports to the Legislature which presumably were based on information received from your agents and servants.

An hon. member: Who is the letter to?

Hon. Mr. Wishart: Me.

Mr. MacDonald: The letter is to the Attorney General of the province of Ontario commenting on his statement of March 19. The letter is dated April 2. I continue:

In the statements made to the Legislature and as reported in *Hansard* on December 16, 1969, the charge made by your local crown attorney in his report to you was that Mr. Karswick wanted to prosecute the case. The impression created by your report was that I took it upon myself to rush up to Hearst and take over the prosecution of this case.

This impression was changed in your statement of March 19, 1970, when you pointed out that it was the Indians themselves who wished to hire a private prosecutor and that I had telephoned Mr. S. A. Caldbick, QC, the crown attorney for the district of Cochrane on April 28, 1969, advising him that I was advised there was reluctance on the part of the authorities at Hearst to prosecute the case, and asked if the crown attorney had any objection to my appearing for the complainant.

The fact, however, remains that on this simple matter, your agents have provided you with two conflicting accounts of my involvement in the matter, neither of which, I might add, is accurate.

The facts are clear that after Paul Bird and Elizabeth Stevens were assaulted, they reported this matter to the OPP at Hearst and to the justice of the peace. I am informed that this is a unique case in that two Indian people had laid a charge of assault against a white man, even though apparently many Indian people had previously been assaulted in the area, but I am told that no charges were ever laid.

The Indian people sought the assistance of your government's representatives, namely Ross McClellan, the Indian affairs agent, and Bruce Lenton, the human rights officer. From the letters of Ross McClellan to you and the report of Mr. Lenton to his superiors in your government, extracts of which appeared in Mr. Ron Haggart's column in the *Toronto Telegram*, it is now clear that these two representatives of your government investigated the matter at the local court office, spoke to your justice of the peace, then advised the Indians to retain their own lawyer.

Hon. Mr. Wishart: Exactly.

Mr. MacDonald: I go on:

In your statement to the Legislature on December 16, 1969, and again on March 19, 1970, your report blames the Indians for rushing out on their own to hire a private prosecutor. These reports are unfair and

incorrect since the Indians asked your government for help and advice by contacting your government's representatives in the area, namely the Indian affairs agent and the human rights officer, who both agreed after discussing the matter with your local justice of the peace that the Indians should retain a private prosecutor.

It is significant that the local government officials, knowing the local climate, advised the Indians to retain an outside prosecutor.

Further in your report to the Legislature on March 19, 1970, you dealt with the apparent exhaustive investigations of the OPP officer, pointing out that the officer went to considerable extent to resolve the conflicting statements of the various witnesses and that he had identified the other witnesses who were present or who were involved in the fight.

You referred to the involvement of Jean Bordues and Fernand Lacroix. You also stated that Jean Bordues was summoned on the instructions of the assistant crown attorney.

The effect of your report, based on doubt on the information received from your agent, indicates an exhaustive and detailed investigation of the OPP. If this investigation took place, then may I bring to your attention that the facts and results of this detailed investigation were not brought to my attention at any time prior to the trial. I learned about this detailed investigation for the first time when reading your statement made on March 19, 1970. The names of Jean Bordues and Fernand Lacroix and a summary of your evidence was not given to me. Bordues' name was not given to me. I learned about him from our clients and it was upon my instructions that he was subpoenaed and not on those of the local crown attorney as suggested by you.

Hon. Mr. Wishart: He had to get the names. He had to be subpoenaed.

Mr. MacDonald: If I may just intervene, the tissue of inaccuracies throughout here is incredible. Every paragraph is dotted with one or two or more documentations of inaccuracies. I pick up from the quotations.

Since I had very little time in Kapuskasing and Hearst in which to interview the various witnesses, I requested another person to speak to Mr. Bordues but was advised when Mr. Bordues was spoken to he

for some strange reason could not remember witnessing the assaults. Although I requested a copy of the sworn information in the report of the investigating officer in my letters to Mr. S. A. Caldbick, dated April 28, 1969, and to Mr. Gerald A. Cloutier, dated May 20, 1969, I did not receive this material as requested. In fact, when I spoke to the OPP officer the Sunday night before the trial the following day, I insisted he prepare a summary of the material facts and a list of the witnesses and their testimony based on his investigations. This as you are aware is commonly referred to as a dope sheet and is prepared as a matter of routine by the police for the assistance of the crown attorney. This dope sheet was handed to me on the morning of the trial. For your information I am enclosing a photostatic copy of this document. You will see that there is no mention of Jean Bordues or Fernand Lacroix; although Mr. Trudell's name is mentioned, there is no summary of this statement. The only witnesses referred to are Paul Bird, Elizabeth Stevens, Madeleine Bird and the police officer. There is no indication whatsoever of the exhaustive investigation and numerous witnesses statements which are now in your possession.

In short, if I may just interpolate here, Mr. Chairman, the great investigation which the Attorney General produced was a fiction—a fiction which was never provided to the prosecuting lawyer.

Furthermore, you will no doubt notice that the police officer's report in the dope sheet of the incident is somewhat different than you reported in your statement to the Legislature on March 19, 1970. The statement made by you to the Legislature indicates that Mr. Comeau and Mr. Bricknell removed Paul Bird and Elizabeth Stevens from a hotel and that "Mr. Bird complained that Mr. Comeau had punched him in the face before evicting him. Elizabeth Stevens complained that she was hit by Mr. Comeau while Mr. Bird was being removed."

In the dope sheet the police officer states, "At this time the accused and another bartender, Mr. Breton, took Bird into the washroom where he was assaulted. Elizabeth Stevens will state that she was struck in the face by Mr. Comeau as they dragged Paul Bird into the washroom." The evidence at the trial, which was accepted by the trial judge, was that Paul Bird was either dragged or pushed into the washroom, where he was beaten by the accused.

I also note that your local crown attorney in his report to you which was read on December 16, 1969 states: "It seems to me that the nature of the injuries are somewhat exaggerated in Mr. Carson's letter."

I fail to see how your local crown attorney is in any position to make such a statement when he did not see Paul Bird or Elizabeth Stevens until, presumably, he spoke to the remand on April 30, some 25 days after the assault.

In the dope sheet, the officer describes the injuries as follows: "Paul Bird was emotionally upset, had water in his eyes and had a cut above the right eye about one inch long. Elizabeth Stevens was composed and had a reddened left cheek and appeared swollen."

In his evidence before the trial judge, the police officer stated that: "Paul Bird was crying, no doubt because of his humiliation and frustration at those events and that he was definitely not drunk, but was normal."

In your statement of March 19, there is an impression that Paul Bird may not have been sober. This is very misleading in light of the police officer's report and testimony and also the trial judge's finding which was very definite that drink was not a factor. Moreover, the defence did not deduce evidence that Paul Bird was under the influence of alcohol.

Hon. Mr. Wishart: You know the evidence, though, which was not brought out in Paul Bird's favour? Do you know what he said himself and what Lenton says?

Mr. MacDonald: What?

Hon. Mr. Wishart: That he sat in the hotel on that occasion and had five beers, five bottles of beer.

Mr. MacDonald: From 2:30 in the afternoon until 7 o'clock.

Hon. Mr. Wishart: That was not even produced against him in the evidence.

Mr. MacDonald: But you see, Mr. Chairman—

Hon. Mr. Wishart: Five beers are quite a bit.

Mr. MacDonald: Here is the interesting point. The Attorney General—

Hon. Mr. Wishart: Think of it, at one sitting. It is quite a bit.

Mr. MacDonald: The Attorney General on March 19—

Hon. Mr. Wishart: This was not brought out.

Mr. MacDonald: —presumes to overjudge—
Interjections by hon. members.

Mr. MacDonald: He presumes to overjudge, overrule the conclusion of the judge and everybody else and say that Mr. Bird was drunk.

Hon. Mr. Wishart: Oh no, I did not say he was drunk.

Mr. MacDonald: To suggest that he was drunk.

Hon. Mr. Wishart: He had five beers at one sitting.

Mr. MacDonald: To suggest that he was drunk. The fact of the matter is that everybody, from the police officer who saw him directly after the incident in the hotel to the judge, came to the conclusion that he was not drunk.

Hon. Mr. Wishart: There was no evidence—

Mr. MacDonald: No? Is there not a little—may I ask this question? Is it not a little presumptuous of the Attorney General to build his own particular case seven months, —a year after the event—and to come to the conclusion that Paul Bird was drunk?

Hon. Mr. Wishart: Where did the Attorney General say he was drunk?

Mr. MacDonald: I do not know exactly what he said.

Hon. Mr. Wishart: No.

Mr. MacDonald: All I am quoting is from James Karswick: "In your statement of March 19 there is an impression that Paul Bird may not have been sober."

Hon. Mr. Wishart: Karswick says that?

Mr. MacDonald: Yes.

Hon. Mr. Wishart: And I said that it was an impression. The fact is that he gave it in evidence himself. Lenton repeats it—reports it. But there was no—and this is a point that I would like to make, Mr. Chairman—at the trial there was no evidence given by the counsel for the defence that drink had anything to do with it, although Bird himself says, "I sat there on that occasion and I had had five beers."

I did not give an impression that he was drunk.

Mr. J. Renwick (Riverdale): You certainly left it hanging in the air. You said, "Miss Stevens was well composed and was sober, while Mr. Bird seemed upset." You certainly left it hanging in the air.

Hon. Mr. Wishart: "Seemed upset". Well was that to say that he was drunk? I think that is a most—that is typical—

Mr. MacDonald: And indeed you are now documenting what you meant when you said that.

Hon. Mr. Wishart: Well no.

Mr. MacDonald: You are saying that he obviously had too much to drink.

Hon. Mr. Wishart: That was the report—

Mr. MacDonald: That is the burden of your argument at the moment.

Hon. Mr. Wishart: —that the officer of the OPP said, that Bird was upset. But for Karswick to go on and say that I implied he was drunk, I think, is typical of that type of letter you are reading into the record.

Mr. Chairman: Gentlemen, it is 6 o'clock, p.m. We will rise to resume at 8 o'clock.

It being 6 o'clock, p.m., the committee took recess.



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ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, June 8, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 8, 1970

The committee resumed at 8.05 p.m. in committee room number one; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

On vote 902.

Mr. Chairman: Mr. MacDonald had the floor when we adjourned.

Mr. D. C. MacDonald (York South): At the 6 o'clock adjournment, I was in the course of putting on the record James Karswick's letter to the minister on April 2—his comments on the minister's statement of March 19 in the House. We had become bogged down about in the middle of page five in that letter. The minister was in the process of confirming that Mr. Karswick was correct in his assertion that in the minister's statement of March 19, 1970, there is the impression that Paul Bird may not have been sober. The minister confirmed that by indicating that despite the observations of the police officer immediately after Bird's three or four hours in the hotel, and in spite of the judgement of his honour on the bench, the Attorney General does not accept their observations that the man was not drunk.

Hon. A. A. Wishart (Minister of Justice): There was no evidence given of his drinking.

Mr. MacDonald: May I pick up on the letter then.

In your statement made on March 19, 1970, you indicate "If the Union of Ontario Indians or the human rights commission or any other individual wants to seek the advice or the assistance of the crown attorney, all he has to do is contact the crown attorney and bring the matter to his attention. The crown attorney will then decide, according to the circumstances of each case, as to the action that might seem appropriate."

You also indicate that on April 28, 1969, I telephoned Mr. S. A. Caldbick, QC,

crown attorney, and that I had indicated that I "was advised there was some reluctance on the part of the authorities at Hearst, to prosecute the case and asked if the crown attorney had any objections to my appearing for the complainant." You also indicate that Mr. Caldbick then advised the assistant crown attorney, Mr. Cloutier, that I would be conducting the matter on behalf of the complainants.

On the basis of this information in your report, made on March 19, 1970, I cannot understand why the local crown attorney would not have investigated to see why I felt that the local authorities would not handle this case. It seems to me that Mr. Caldbick must have told Mr. Cloutier why I was prosecuting and surely it was open, and indeed imperative, for Mr. Caldbick and Mr. Cloutier to advise me that the local authorities were prepared to handle this case and that I was misinformed and that there was no need for me to prosecute. However, this they did not do.

As a matter of fact, after I had spoken to the representative of the Union of Ontario Indians and had reviewed the report from Mr. McClellan, I came to the only possible conclusion; that the crown attorney was indeed, not prosecuting. When I telephoned Mr. Caldbick I therefore asked why he would not prosecute and he advised that he did not know about this case and that this decision not to prosecute was in the sole discretion of the local crown attorney.

I then advised Mr. Caldbick that my information was that the local crown attorney was regarding this case as a private complaint and would not prosecute and, if this was correct, that I was retained to prosecute. Mr. Caldbick then agreed to have the case remanded since it was due to be tried within two days of my telephone call.

Accordingly, when your local crown attorney states that he had no knowledge of this case, that he was not asked to prosecute but that I wanted to prosecute,

I now find these statements to be most unfair, improper and incomprehensible.

Further, the suggestion is repeated in your report made March 19, 1970, that if I wished, I could have a more serious charge laid. I find it difficult to understand the significance of that statement since it was Paul Bird and Elizabeth Stevens who were assaulted, who spoke to the OPP officer and who appeared before the justice of the peace and relied on his discretion to have the proper charges laid.

I was not retained until about three weeks after this assault took place. Moreover, I did not see the victim until the day before the trial, approximately seven weeks after the assault, at which time I could see the scar over Paul Bird's eye.

Surely it cannot be maintained that a lawyer, some seven weeks after the assault and one day before the trial, can attend before the justice of the peace and request that a more serious charge be laid. Moreover, your director of public prosecutions, in his letter addressed to me and dated November 19, 1969, in reply to my query with respect to the justice of the peace making up a less serious charge, had this to say:

"As to the charge, a justice of the peace, taking an information, has full judicial discretion in deciding whether the circumstances warrant the accused being brought to trial and issuing process to procure the attendance of the accused. If the justice decides that the accused ought not to be required to appear for trial on the particular charge alleged, his decision is not subject to review by an administrative officer or by the courts."

Clearly, your director of public prosecutions was of the opinion that the discretion of the justice of the peace was not reviewable.

You further informed the Legislature that you were advised that I had made no reference at the trial to the seriousness of these injuries suffered by the victim; this advice to you is incorrect. Throughout the prosecution evidence, I requested the witnesses to describe the injuries and there was ample testimony dealing with the gash over Paul Bird's eye, the blood on his face, the blood dripping on the floor and the blood dripping in the washroom.

There was also ample evidence of the swollen cheek and cut lip that Elizabeth Stevens had sustained. At the conclusion of the testimony I made exhaustive and

lengthy submissions to the trial judge outlining the issues, reviewing the testimony of all the witnesses with due emphasis on the seriousness of the injuries.

As a further indication that the reports to you were inaccurate, I would point out that in your statement to the legislature on December 16, 1969, you indicated that the justice of the peace was telephoned at 6:15 p.m. Since the incident was not reported to the OPP until 7:15 p.m., according to your report made March 19, 1970, which is corroborated in the dope sheet, it is obvious that your information as to when the justice of the peace was telephoned was in error.

I also note that in your report to the legislature on March 19, 1970, you indicate that on April 7, 1969, some two days after the assault, two representatives from the Ontario Human Rights Commission visited the OPP detachment at Hearst and advised the police officer that a legal adviser would be retained. You also indicate in the same report that, "the difficulty arises from the fact that the complainants, within hours after the instance, had given the impression to the police officer that they were going to have their own lawyer"

There is, therefore, this apparent conflict in your report. Was it the Human Rights Commission officers who so advised the police officer or was it the complainants? Was the police officer so advised within hours of the assault or two days after the assault?

In your report to the Legislature on December 16, 1969, you read from the local crown attorney's report as follows:

"I am advised by the police in Hearst that there was never any discussion as to whether the crown attorney would be prosecuting in this matter"

This statement appears to further contradict the two previous statements.

In conclusion, I should like to express my disappointment with the inaccurate and inconsistent information which you have received from your agents respecting this matter. I think it must be obvious that there was something wrong with the administration of justice in Hearst when it was applied to the Indians.

A further sad development is that the refusal of your agents to admit some failing on their part and to indicate a readiness to meet with the Indian representatives has completely obscured the few reassuring items that appeared from this—that emerged

from this mishap. It must have been assuring to know that at least the charges were accepted and the case placed on the list for trial and that the Indians were able to receive the generous assistance and the good advice from two officers of your government, namely: Ross McClellan, the Indian affairs representative and Bruce Lenton, the Human Rights Commission officer.

There was the opportunity afforded to the Indians to retain a private prosecutor to assist them in their quest for justice, and the Indians did indeed have a fair trial. The police officer did testify on their behalf, describing the serious injuries, denying that drink had anything to do with the matter and stating emphatically that Paul Bird was normal when this occurred. The convictions of the accused did indicate that Indian people can be successful and can receive justice in our courts.

Perhaps most satisfying of all was the revelation that there are people such as His Honour Judge M. Leger who had the competence, courtesy and courage to deal fairly with the matter of human rights as important as this one.

It is therefore most unfortunate for all concerned that so much has been obscured, and salient facts lost, because of the failure on the part of your officers, of your department, and perhaps of your government, to admit that all was not perfect in the administration of justice in Hearst.

Yours respectfully, James B. Karswick.

Now Mr. Chairman, I now make one further comment with regard to this letter before I leave it. The minister, if he does not happen to know, may be interested to know that the man who wrote that letter, at the beginning of this whole episode, was a member of the Progressive Conservative Association in a riding of the city of Toronto. Today he is not, because he is deeply disillusioned by the whole attitude and handling of this affair by the Attorney General, and he simply is not willing to accept such a mish-mash of misinformation and misstatement of what has happened as an explanation.

However, my final comments are to complete this record on behalf of the other officer of this government who was involved in the case. And this is the letter dated April 3 by Ross McClellan, Parry Sound, Ontario, to the hon. Arthur Wishart, Minister of Justice and Attorney General, Parliament Buildings, Toronto 182, Ontario, re Regina versus Comeau, Bird and Stevens.

Dear Sir:

I have received a copy of your statement to the Legislature March 19, 1970, regarding the case of Regina versus Comeau. Since your investigation in the case was at least partially a result of my communication to you, and since you have seen fit to dismiss my correspondence as "a multitude of inaccuracies," I am compelled to respond to your statement. The basic argument of your statement and the facts upon which you base your statement are demonstrably false.

In your statement you excuse the crown attorney from responsibility for prosecuting the case on the ground that, "the complainant, within hours after the incident, had given the impression to the police officer that they were going to have their own lawyer." You claim that on April 7, 1969, the OPP detachment officer was visited by two representatives, one from the Ontario Human Rights Commission and the other possibly from the Union of Ontario Indians. You claim that these representatives informed the police officer that a legal adviser would be obtained for Mr. Bird.

Later, on page 10 of your statement, you state: "The police officer who was advised that the complainant would be retaining his own legal officer quite reasonably felt that it was going to be dealt with on the basis of a private complaint."

In fact, no such visit to the OPP detachment by representatives of either the human rights commission or the Union of Ontario Indians took place on April 7, 1969. On April 7, neither the human rights commission nor the union had been advised that the assault had occurred.

I myself learned of the assault on the evening of April 7. On April 7, I went to Constance Lake Reserve at about 7 p.m. to meet with Chief B. Sutherland and councillor E. Sutherland in my capacity as community development worker, Ontario Department of Social and Family Services to the Constance Lake band. At this meeting, Chief Sutherland informed me of the assault which had occurred April 5. This was my first knowledge of the incident. Chief Sutherland was profoundly concerned about the assault, and after some discussion indicated that he was going to call in the Ontario human rights officer, Mr. B. Lenton, from Port Arthur, to investigate.

On Tuesday, April 8, I spoke briefly to the justice of the peace, who informed that he had taken the information, and that the

matter was a private complaint. On Wednesday, April 9, I visited the OPP detachment at Hearst, where I was informed that officer T. Code had handled the investigation, but I did not speak to officer Code as he was out. At no time did I even suggest to the justice of the peace or to the police that the complainant would be obtaining a lawyer to prosecute the matter.

On Wednesday, April 9, Chief Sutherland phoned the human rights officer and requested his presence at Hearst. The officer arrived in Hearst on Friday, April 11, and immediately began interviewing the complainants and the Indian witnesses to the assault.

On Sunday, April 13, Mr. Lenton and myself met with Mr. C. Trowsse, the justice of the peace, and Constable T. Code. It is worth commenting at some length on this meeting.

The human rights officer discussed with Mr. Trowsse the manner on which the assault was investigated. Mr. Trowse replied that they did not compile any documentation. The OPP constable read a few notes from the notebook on his interview with Mr. Bird at the time the charge was laid. The OPP constable also stated that he had talked to Mr. Comeau. That was the extent of the information the constable offered to us.

Under questioning, the OPP constable admitted that he stated to Mr. Bird at the time he laid the charge that he should have fought back.

The human rights officer then asked the two officials why the case was not thoroughly investigated by the OPP, why no documentation had been compiled to be presented on Mr. Bird's behalf in court. Mr. Trowsse replied that the matter was regarded as a private one, between Mr. Bird and Mr. Comeau. He claimed it would be different if the OPP were called at the time of the incident, but under the circumstances they only had Mr. Bird's side of the story. The OPP constable stated that he would be unable to give any evidence as he was not present at the time of the incident.

The justice of the peace stated that it would be up to Mr. Paul Bird to bring his witness to court and then proceed with his own case. The human rights officer asked if the crown attorney would present Mr. Bird's case. The justice of the peace replied that he would not, but that the crown attorney would be present, not to aid either side,

but to assure that justice was done. The justice and the constable also stated that Mr. Bird did not need a lawyer.

You may, of course, find the contents of this meeting difficult to believe. Let me assure you that the contents of the meeting can be documented.

Following this meeting, Mr. Lenton and myself met with Mr. Paul Bird, and advised him of the information we had been given by Mr. Trowsse and officer Code. On the basis of the information provided by the two above-mentioned officers, we advised Mr. Bird that he would need a lawyer to win his case. Mr. Bird explained that he could not afford a lawyer, and since legal aid would not cover this matter, Mr. Lenton and myself offered to investigate the possibilities of getting legal assistance.

If I could just interpolate here, Mr. Chairman, it is rather interesting to note that you have two other officers of the Ontario government engaged in trying to provide the means to get justice for a man who had been denied it by the department responsible for providing it.

I continue:

On Monday, April 14, at 10 p.m., Mr. Lenton and myself met with Chief Bert Sutherland, Edgar Sutherland and Pierre Bird, of Constance Lake. All three men were directors of the Union of Ontario Indians. We relayed the results of our investigation to the three Indian leaders and they decided to ask the Union of Ontario Indians to obtain legal advice on behalf of the complainant.

On the morning of Tuesday, April 15 I drove Mr. Bird to the Hearst office of the Ontario Indian development branch, where Mr. Bird telephoned the executive director of the Union of Ontario Indians and requested that the union obtain a lawyer to advise the complainants of their rights. At no time subsequent to this were the police advised by myself or Mr. Lenton that the complainant had obtained a lawyer. The central assertion of your statement to the Legislature is demonstrably false.

In your statement you also go to great lengths to show that the police did, in fact, conduct a thorough investigation into the complainant's charges. In fact the police investigation was grossly inadequate, as Mr. Lenton and myself ascertained during our meeting with Constable Code and the justice on April 13.

Moreover, your statement on page four asserts that the constable had learned that the instigators of the fracas which led to the assaults upon Mr. Bird and Miss Stevens, were Mr. Jean Bordues and Mr. Fernand Lacroix. By now it should not surprise you to learn that the identity of these two men, potentially key witnesses, has come to light for the first time in your statement.

Finally, I come to the role of the crown attorney and his assistant. In your statement you claim that the crown attorney was approached by Mr. James Karswick on April 28, and that this was the first contact that Mr. Caldbick had with the case. You then excused the police for not drawing the case to the attention of Mr. Caldbick on the grounds that someone had informed the OPP that the complainants would obtain their own lawyer. I have dealt with this fiction.

You also note that Mr. Karswick indicated that he was advised there was some reluctance on the part of the authorities at Hearst to prosecute the case.

I find it utterly incredible that in face of the allegations by a lawyer, Mr. Karswick, the local authorities were apparently reluctant to prosecute a case. Mr. Caldbick was content to allow Mr. Karswick to assume the prosecution. Mr. Caldbick does not appear to have shown the slightest concern over the allegations and yet you claim to have found no negligence or improper conduct.

Secondly, it is transparently obvious that the crown attorney was in no position to prosecute the case successfully, nor competently. I refer you again to my letter of December 31, 1969, and I repeat again that because the crown attorney was not prepared to provide more than the perfunctory prosecution of an important and difficult case, it was prosecuted privately at the expense of the Indian people. Contrary to your statement, there was both neglect and improper conduct on the part of the officials under your jurisdiction.

When the facts are so obvious, surely the only honourable course of action is to reimburse the Ontario Indians for legal expenses and to take measures to prevent the recurrence of this kind of third-rate treatment of Indian people by your agents of justice. And yet, you have not done this. Instead you have glossed over and ignored the fundamental issue—whether the officials under your jurisdiction provide less than

nominal service or whether an intensive effort is to be made to guarantee Indian citizens of Ontario the full protection of the law.

When a thoroughly documented case is presented to you which could serve as a stimulus to the provision of better justice for Indian people, you are content to tinker with the facts of the case and cover the issues with whitewash. Your so-called investigation and statement to the Legislature have exposed yourself to charges of neglect, incompetence and irresponsible conduct. Your finding of no negligence nor improper conduct in this case is a clear warning to the Indian people that they are without the full protection of the law in northern Ontario and that you and your office either condone this state of affairs or are incapable of correcting it.

Yours sincerely,

Ross McClellan, MSW.

Well, I think it speaks for itself.

Hon. Mr. Wishart: May I speak?

Mr. Chairman: Yes, Mr. Wishart.

Hon. Mr. Wishart: Mr. Chairman, this matter first came to the attention of the Legislature actually when the member for York South issued a press release for immediate release on December 15, 1969.

Mr. MacDonald: As background to a question which I asked this day because you were not in the House on the 15th.

Hon. Mr. Wishart: Question by Donald C. McDonald, MPP, Ontario New Democratic leader to Attorney General Arthur Wishart before the Orders of the Day, December 15, 1969:

With reference to the court proceedings in Kapuskasing last June, resulting in conviction of Claude Comeau, owner of the Queen's Hotel, Hearst, on charge of assault of Paul Bird and Elizabeth Stevens, would the minister consider payment of the legal costs sustained by the Ontario Union of Indians in a private action which became necessary when, through a series of errors and misunderstandings, the local crown attorney failed to proceed with the case.

So this was based on the claim of the Ontario Union of Indians to be paid the solicitor's fee—the fee of Mr. Karswick who was retained by the Union.

So then the hon. member went on and he gave a press release which is on *Hansard*

and I will not repeat it. And curiously enough, he had the letter from Mr. Karswick which was written to me in September, in which Mr. Karswick went through the matter as he saw it and ended up—and I shall read the latter part of his letter, that is the letter of September 5, 1969. He said, in the last three paragraphs to his letter:

In addition, at the commencement of our case, the crown attorney advised the judge that the crown wished to proceed summarily.

The Crown, and Mr. Karswick says:

It seems to me to be inconsistent for the crown attorney to view this as a private complaint and one which he would not prosecute, and then to intervene by electing to have this case proceed summarily.

Now Mr. Chairman, I have to point out that it is the duty of the crown attorney and his responsibility and he must make that election; a private prosecutor cannot do so. Mr. Karswick, not critical of him here, but he shows some ignorance of the law when he makes that criticism. And when he says: "One which he would not prosecute", he is incorrect, and he is making a statement which is typical through all his correspondence—he makes statements which are not basic, not factual. There is no suggestion that the crown attorney would not prosecute—nowhere, nowhere ever is there any suggestion that the crown attorney would not prosecute.

Mr. MacDonald: Well actions speak louder than words and he did not, after it had been brought to the attention of—

Hon. Mr. Wishart: Well all right—actions speak louder than words, then. Two Ontario government officials who are highly praised by Mr. Karswick for their intervention, knowledgeable gentlemen—one of the Ontario Human Rights Commission, one the Indian development officer, went into the area within a few days—I will not say the same day because that is not correct—after the incident happened, and investigated this.

These knowledgeable persons, these very knowledgeable people having interviewed the Indians, having interviewed the Ontario Provincial Police, having interviewed the justices of the peace: at no time did they ever approach, never did they approach, the crown attorney, either Mr. Caldbick, senior crown attorney for Ontario, nor Mr. Cloutier, his assistant crown attorney.

The crown attorney had no opportunity to ever have the case. Before the crown attorney

was ever consulted by anyone, the first consultation, the first approach to him was made by Mr. Karswick, who at that time had been retained by the Union of Ontario Indians.

This is the crux—this is the crucial fact of the matter and no amount of letters from Karswick on the record with all the implications that are there will change that fact that no one approached the crown attorney.

I say, and I shall say again and I shall say at the end of my remarks, there was a deliberate, determined, studied attempt to avoid any approach to the crown attorney.

Mr. MacDonald: That is your interpretation.

Hon. Mr. Wishart: That is the fact.

Mr. MacDonald: To which there is lots of evidence to the contrary.

Hon. Mr. Wishart: That is the way it appeared. And that is so evident from all the material, and I read the letters and the correspondence of Mr. Lenton, the Ontario Human Rights officer and who may be an officer of the Ontario government.

Mr. MacDonald: Well, he is.

Hon. Mr. Wishart: That was his approach. And I read the correspondence of Mr. McClellan, and that was his approach: "Let us have a private prosecutor, let us not approach the crown attorney—"

And that is the way it went. And Mr. Karswick goes on in his first letter, which sparked the hon. member's press release and then the followup of all the material that has gone since.

Mr. Karswick continued in his letter of September 5:

After it became necessary for Paul Bird and Elizabeth Stevens to have a lawyer in private practice in Toronto to represent them, it was most unfortunate, expensive, and unfair to cause me to make this trip of about 550 miles on three separate occasions.

Now I would like to suggest to you, Mr. Chairman, that if Mr. Karswick himself at that time felt that it was so unfortunate, so unfair, and so expensive—and he knew that to go to northern Ontario to conduct that case it would be so—why did he not then call the crown attorney and say: "will you take this case? Why are you not taking this case?" But that he did not do. And nowhere does he say he ever did.

He never asked the crown attorney to take over that prosecution. It was designed as a private prosecution; and with this I have no quarrel at all, I do not mind. The party injured has a right, if he wishes; and I have acted as a private prosecutor and I have acted as a crown attorney; that is a right in the individual.

But because we would not pay the account, to make out that a great injustice was done, that there was a refusal to act, is wrong; and this I shall not accept.

That is not the fact. This was a case designed to bring in a private prosecutor on behalf of the Union of Ontario Indians, and then to say to us, not before the case, not through all the weeks it went on, not to say there was an injustice here, not to say it is not necessary for Mr. Karswick to come, but after it is all over, to say: "Now you should pay our bill, and if you will not pay it, you did us a great injustice, you would not act."

There was no request—and let anyone try to deny this who cares; they will not succeed—there was never a request to the crown attorney to prosecute this case, never.

Mr. Karswick ends up his letter, the last paragraph of his first letter to me:

At any rate, I have submitted a bill for our services to the Union of Ontario Indians. I agree with them that it is not fair nor right that in these circumstances that they or the two victims should have to pay this account. I feel that if the crown attorney had prosecuted this case, then there would not have been this expense.

He is right.

I cannot understand why an exception should be made in the case of Paul Bird and Elizabeth Stevens. I trust this report is satisfactory.

Yours respectfully,
James D. Karswick.

Now, it is true that the justice of the peace, Mr. Trowsse, apparently said to them, "You do not need a lawyer." Think about that for a moment. We provide a lawyer, the Crown provides a lawyer to prosecute these charges—the crown attorney. "You do not need a lawyer".

Mr. MacDonald: Mr. Attorney General, would you put in full context your comment to the person who wrote to you, where you said, "As the article indicates," referring to the Ron Haggart article, "it was unfortunate that the justice of the peace took it upon himself to advise these individuals that the

crown attorney would not be acting in this particular case"? That is the nub of the issue.

Hon. Mr. Wishart: Well I shall deal with that. I agree that what I said to Ron Haggart, I still feel is the case. If the crown attorney indicated to them—and perhaps he said that—"You can have a private prosecution"; but did he say: "You do not need a lawyer"? If he said: "You must have a private prosecution"—I do not think he went that far.

Mr. MacDonald: He sure did.

Hon. Mr. Wishart: But if he did, he was wrong.

Mr. MacDonald: Right, but everything else flows from that mistake.

Hon. Mr. Wishart: But let me make this clear: The justice of the peace—and there are many of them in the province—is not an officer of The Department of the Attorney General; he is part of the administration of justice. He is an official, he is appointed, he is paid by a fee system when he completes the information and when he completes a summons. He is a very minor official in The Department of Justice. If he said that, surely that does not excuse the officer of the Ontario Human Rights Commission and the Indian development officer, who are knowledgeable people, from saying, "What goes on here? Why is this? Let us see the crown attorney; let us call Mr. Caldbick. Let us call Cloutier, who is the crown attorney. Why will he not take this case?"

Did they do that? Not one move, not one suggestion, not one thing did they do in that direction. They advised the Indians to get a private prosecutor. Here is Mr. Karswick again, supporting me on April 2, 1970, after we had a great deal of correspondence. And I quote from page three of Mr. James D. Karswick's letter to me. He says:

From the letters of Ross McClellan to you, and the reports of Mr. Lenton to his superiors in your government, extracts of which appeared in Mr. Ron Haggart's column in the Toronto Telegram, it is now clear these two representatives of your government investigated the matter at the local court office, spoke to your justice of the peace and then advised the Indians to retain their own lawyer—

Mr. MacDonald: Sure.

Hon. Mr. Wishart: And that is exactly what they did.

Mr. MacDonald: On the basis of what you concede.

Hon. Mr. Wishart: That is exactly what they did. They did not advise the Indians to consult, nor did they consult the crown attorney; they advised them, "Get your own lawyer." This is Mr. Karswick reporting to me:

In your statement to the Legislature on December 16, 1969, and again on March 19, 1970, your report claims the Indians go rushing out on their own to hire a private prosecutor. These reports are unfair and incorrect, since the Indians asked your government for help and advice by contacting your government's representatives to the Indians,

namely the Indians affairs agent and the human rights officer, who both agreed, after discussing the matter with your local justice of the peace that the Indians should retain a private prosecutor. It is significant that the local government officials—

Now this is important—

It is significant that the local government officials, knowing the local climate, advised the Indians to retain the outside prosecutor.

I think that is very significant.

Mr. MacDonald: Right, in a fashion that you should be concerned about.

Hon. Mr. Wishart: Well, perhaps. Yes, I agree I would be concerned, but I want to get at the truth of the matter—"knowing the local climate." Is it not quite apparent, rightly or wrongly, perhaps wrongly, that the Indians and those who consulted with them felt they would not get from the local law enforcement agencies a complete and thorough and full dispensation of justice?

Mr. MacDonald: That is the nub of it.

Hon. Mr. Wishart: Perhaps that is right. But what I come to is that the crown attorney never had the chance to prove that he would do a job. Because, knowing the local climate, they said, "Let us not go to the government fellow, let us get a private lawyer."

I am not critical of that. I would be critical if the local climate is such that it gives that impression; I am quite prepared to admit that. But I do not want the hon. member to do an injustice to my officials, the crown attorney particularly, because he did not have

this case. Nothing came to his attention until Mr. Karswick, who had been retained, called him and said, "Look, I am coming up on this case. Will you help me out? Will you do this and will you do that?" And he said, "Yes, I will subpoena the witnesses, I will make the decision that it is to be a summary case, and give you any assistance I can." And Mr. Karswick in this same letter, toward the end, did say he takes exception to the fact that he had to go up at all, but he does say that justice was done. The judge heard the case well and thoroughly; the police officer gave evidence; the witnesses were subpoenaed, and they had to be subpoenaed by the crown attorney.

When you come to the discussion of the dope sheet. I must say to my hon. friend that if we had to make a dope sheet, such as Mr. Karswick apparently expected, for every summary conviction in Ontario, we would be in the courts, I think, more days than there are in the year. This is not the way those cases of summary conviction are done. The policeman has his diary; he has the names of witnesses; he has some notes as to what he did in his investigation. This policeman did not see the altercation. He went and looked at the building; he saw the situation; he made some notes of some dates and got the name of a witness, and that is about all that the crown would have had, had he gone to court on that case. Mr. Karswick actually got better service than the crown attorney would have got.

Mr. MacDonald: May I ask the question?

Hon. Mr. Wishart: Yes, surely.

Mr. MacDonald: Why, only on March 19, did your statement provide much more information than was ever provided either on the dope sheet given to Mr. Karswick or in the testimony by the OPP in the trial?

Hon. Mr. Wishart: Because, Mr. Chairman, in answer to the question, when this matter was raised, I was concerned and I asked the Ontario Provincial Police to give me a full report on what went on in this case. And through the Ontario Provincial Police, I got the report from the officer Code. I wrote to the senior crown attorney and asked him why did the crown attorney not prosecute, and he wrote back and he brought to my attention a letter which Mr. Cloutier, the assistant crown attorney, or the crown attorney for the jurisdiction in which the case was held, wrote to him and said, "The case never came to my attention, I knew nothing of it."

Mr. MacDonald: Why was the information that you got from the OPP when you investigated it not available either to Mr. Karswick in the dope sheet, or alternatively, introduced as evidence by the officer?

Hon. Mr. Wishart: I am glad to answer. Perhaps the hon. member will understand; the Ontario provincial policeman when we asked him to look into it, went to his notebook, but there were many things that were irrelevant. He said, "I went and I measured the room at the hotel. I got some evidence of the time; there were people who had seen it but were not there. I went back that night after the information had been laid, and I went back the next day," but much of that is not evidence in the case. The evidence—and the case proves it I think—the evidence was of this party at which Paul Bird and his wife Elizabeth—Paul Bird and Elizabeth Stevens—were sitting. The altercation arose at their own table between some Indians twitting Paul Bird's—

Mr. MacDonald: Not some Indians.

Hon. Mr. Wishart: Persons.

Mr. MacDonald: French Canadians.

Hon. Mr. Wishart: They twitted them and they twisted the head band on her hair—

Mr. MacDonald: Right.

Hon. Mr. Wishart: —and a fight arose at the table.

Mr. MacDonald: No, no, your information is inaccurate once again. Half an hour later Paul Bird got up to go to the washroom and when he passed the table where the man who had done the twitting was sitting, the man dragged him down and started twitting and conking him and so on. It was at that point the altercation developed.

Hon. Mr. Wishart: Well, all right, I will accept that. I mean, the altercation arose not with the hotel proprietor but among a group of these people sitting there enjoying the facilities of the beverage room.

The hotel proprietor, seeing a fight developing, came over and said to Paul, "Look, out you go." Paul was ready to go out—this is in the evidence—but he said, "Why don't you put those other people out? They started it, they are as bad as me. Get them out too." And Comeau said, "Well look, you get out of here". And between the pushing and shoving he was dragged into the washroom and there he got—

Mr. MacDonald: He was dragged past the door of the hotel where he could be put out, into the washroom where he was beaten up by Comeau.

Hon. Mr. Wishart: Well—

Mr. MacDonald: This is where the measurements of the police become relevant.

Hon. Mr. Wishart: I really do not take issue with that. The hotel proprietor tried to get him out. There was a panic bar on the door and apparently in going by the washroom there was some resistance; he put his arm in the door of the washroom and so on. Anyway, eventually they got him out, but he had been in a fight—

Mr. MacDonald: Eventually they pushed him into the washroom, got him down on the floor and beat him up.

Hon. Mr. Wishart: Oh, I do not think—

Mr. MacDonald: Yes, this is the testimony, Mr. Minister.

Hon. Mr. Wishart: I have the transcript.

Mr. MacDonald: Sure, this is the testimony.

Hon. Mr. Wishart: All right. Comeau was convicted of this, of the assault.

Mr. MacDonald: Right!

Now you have missed the key point. Why would two key witnesses suddenly turn up in your statement of March 19 when their names were never given to Karswick.

Hon. Mr. Wishart: Their evidence was not relevant. The evidence was not necessary. Witness the fact that Comeau was convicted. The policeman who gave evidence as to what he saw of the complainant. Comeau pleaded not guilty but was nonetheless convicted, and—

Mr. MacDonald: Mr. Karswick succeeded in spite of you.

Hon. Mr. Wishart: No, no, not in spite of us. This is where the hon. member is doing us a grave injustice. If the crown attorney had prosecuted that case, this same result would have been obtained and he would have been glad to prosecute. I really cannot accept these things and Mr. Karswick's letter is full of exaggerations, implications that are not really true.

Mr. MacDonald: You know, Mr. Chairman, I must protest. That is a slanderous comment.

Hon. Mr. Wishart: It is not slanderous at all—

Mr. MacDonald: Mr. Karswick's letter is a quiet-toned letter. If you want to criticize Mr. McClellan's letters as being too harsh, you may have some grounds, but Karswick was very, very moderate throughout. In fact, after months of provocation, his language became somewhat stronger but never immoderate.

Hon. Mr. Wishart: Now here is one thing. You read the letter, I will read it again. At the top of page 5 of his letter of—this is Karswick's letter—of April 2, one of his latest. Perhaps his last letter. This is the sort of thing he says:

I also note that your local crown attorney in his report to you—

That is Mr. Cloutier.

—which was read on December 16, 1969, states: "It seems to me that the nature of the injuries are somewhat exaggerated in Mr. Karswick's letter."

That is the quote. Mr. Karswick, when he first wrote to me, said:

Why were these not indictable offences?
Why a summary conviction?

Mr. MacDonald: Right!

Hon. Mr. Wishart: Here is a man with a cut over his eye in the barroom brawl, a cut over his eye and that is it.

Mr. MacDonald: What do you mean, barroom brawl?

Hon. Mr. Wishart: It was a beverage-room brawl and the man Bird said, "I had five beers sitting there."

Mr. MacDonald: Look, do not drag that extraneous fact—

Hon. Mr. Wishart: It is in the evidence of the transcript; it is in Lenton's letters.

Mr. MacDonald: The police officer contended that he was not drunk.

Hon. Mr. Wishart: Nobody says he was drunk.

Mr. MacDonald: The manager of the hotel forced the man into the washroom, down to the floor and beat him up.

Hon. Mr. Wishart: Let us stick to the issue. Karswick says—You say Karswick is very mild and very factual; as a matter of

fact, he is not. He says this should have been a big indictable offence. Why is it summary?

Mr. MacDonald: Right.

Hon. Mr. Wishart: That type of thing is always a summary offence. Somebody having a fight, having a cut over the eye, that is the sort of thing we prosecute in a summary way. And it would be wrong to bring those sort of cases into the indictable offence area. Mr. Karswick should know that. If he does not know it, then he is a very naïve lawyer, very inexperienced. And if he does know it—

Mr. E. W. Sopha (Sudbury): It is just never proceeded with by indictment.

Hon. Mr. Wishart: No, this is the point. But Mr. Karswick makes a big deal and he criticizes me and says: "You misled the Legislature by suggesting — your crown attorney has given the wrong information. How could your crown attorney know that the injuries were exaggerated?" The crown attorney, when the case came to court got the evidence of what the injury was, it was a cut over the eye. And if Karswick is claiming this should have been indictable, he is exaggerating. And so he was, and so he does, continuously; time after time after time in every letter he writes.

Mr. MacDonald: That is not true.

Hon. Mr. Wishart: It is true.

Mr. MacDonald: It is not.

Hon. Mr. Wishart: Read his letters. I can give you a dozen examples.

Mr. MacDonald: I have. I put them on the record in the House and here.

Mr. Sopha: Can I—

Hon. Mr. Wishart: Let me just finish, I am almost finished. The question of who issued the subpoena for the witness Trudel. Now, the crown attorney should issue the subpoena. And the way the language is twisted a bit. "The crown attorney did not get Trudel, I got him." Mr. Trudel's name was on the police officer's list and the crown attorney, acting on the police evidence for the provincial judge's court, issued the subpoena and said to Trudel, "You must appear on this case."

The crown attorney carried that duty out, so that my statement to the Legislature that the crown attorney subpoenaed the witness is

correct; he tried to assist Mr. Karswick. And for Karswick to suggest that I was deceiving the Legislature, that I was saying something wrongful is most unfair and unjust and unreasonable to do, because all I was trying to say was that we gave assistance. Even though the Union of Ontario Indians got a private prosecutor, my crown attorney did everything he could to assist. I do not like the implication that I am weaselling about or twisting the language. I tried to be factual.

When the hon. member says Mr. Karswick was a Progressive Conservative and is not now a Progressive Conservative, it seems to me that that explains a good deal. I am not going to comment further on that. But his letters to me indicate certainly that he is certainly no political friend. Whose political friend he is, I will leave to your imagination.

Mr. MacDonald: Ironically, at that time, he was.

Hon. Mr. Wishart: All I wanted to do was be factual, and I will face these political implications.

Mr. Chairman: Mr. Sopha.

Hon. Mr. Wishart: Just one thing. Every letter that Mr. Karswick has written to me, from the beginning to the end, every letter that he wrote to me, has at the foot of it, the words, "copy to the Union of Ontario Indians, copy to Donald C. MacDonald."

Mr. MacDonald: Right. I was in the House.

Hon. Mr. Wishart: The Leader of the Opposition (Mr. Nixon) did not get one. They went to Donald C. MacDonald, and I do not mind. But let it be plain on the record where Mr. Karswick's politics lie. And that colours I think—

Mr. P. D. Lawlor (Lakeshore): When people are in need, they come to us.

Mr. Chairman: Mr. Sopha.

Mr. Sopha: As a result of the mail dislocations, that party is going to relapse into vacuous silence. I have some additional knowledge to put on the record here, as a result of investigations I pursued personally into this matter, and in certain other respects the record should be made more complete.

I became interested in the case when the hon. member for York South first asked the question in the House last winter. It was either on March 3 or March 10 that I went to Hearst on another case, and because my

interest was quickened by the hon. member's question, I pursued investigation with a number of people in Hearst. Because of the involvement of the Union of Ontario Indians and the Ontario Human Rights Commission, without having personally any knowledge of the case, I drew the inference that there was some suggestion of discrimination or unfair treatment toward Indian people in Hearst. And that is what stimulated me to make enquiries in the whole day that I spent in Hearst. Now the first thing that ought to be said is that the district of Cochrane, in that section, is served by a magistrate, a provincial judge, if you like, of very high quality.

Hon. Mr. Wishart: Leger.

Mr. Sopha: He was a former member of this House, until he fell on bad days and political fortunes, and he was subsequently appointed magistrate. A more courteous man on the bench you would not want to meet. In an era where the Attorney General has many who have forgotten their manners, when they ascend those three steps up the wall and take on some of the rudiments of the Almighty, this man is the very soul of courtesy and patience. He works very hard; he travels long distances. His name is Marcel Leger, and he applies a high measure of commonsense to the matters that come before him.

I may be permitted to say that he initiated a discussion of the case with me, during a delightful lunch which we had, at a hotel, a new motel, owned by one of the others of the Comeau family. He said the case was very long, but in the result the evidence was overwhelming and he could only register a conviction against Comeau, which was the just result.

The other thing that ought to be said about it is, that there are apparently among the burghers of Hearst, those who wonder why the spotlight is focused on them as a result of this case. They are far more proud of Claude Larose, who scores goals for Minnesota, currently, but they are very curious as to why there is suddenly the spotlight.

It seems that there is just no suggestion, on the part of anybody, of any patent discrimination against Indians. The Queen's Hotel, is in fact, a frequent watering-place for large numbers of Indians. They customarily resort to it when gripped with the thirst. It is still a place of retreat. As for the Comeaus, there is just nobody will give a smidgen of suggestion that the Comeaus in any way discriminate against Indians. They

are welcome in that hotel. Now, in effect, something developed there that night. As a result of what developed, Karswick arrived in town and a conviction was eventually registered. Now Gerard Cloutier, let us focus on him. He is a part-time crown attorney, working under the direction of Mr. Caldwell of Timmins, who is still crown attorney, I believe, for the district of Cochrane, as well as being senior crown attorney.

I have to couple Mr. Cloutier, with Mr. Jean Bordeleau because they travel as a pair. There is a great deal of reason that we should be appreciative of the service that Gerard Cloutier and Jean Bordeleau give to the administration of justice in that area. There are four lawyers in Kapuskasing. Mr. Cloutier has a partner and Mr. Bordeleau is associated with Mr. Perras. Four lawyers.

Almost invariably, five days a week, Mr. Cloutier and Mr. Bordeleau are out on circuit. The one appears as crown attorney, and the other is duty counsel—legal aid—and they hold courts in Longlac, Hornepayne, Hearst, Kapuskasing—invariably four courts a week—and these are men in private practice.

Any lawyer would see the damage done to the carrying on of a private practice by the concessions that have to be made in time in the administration of justice. I especially mark Bordeleau, because he is the only legal aid counsel in the western part of the district of Cochrane. There is now no other legal aid duty counsel, and he has a special dispensation from the director of legal aid at Toronto to accept cases which he encounters in court. This privilege is denied any other duty counsel. He is allowed to accept cases that he encounters.

I stood back in absolute admiration of these two, to see the enormous amount of time that they give to the administration of justice.

We are focussing on Gerard Cloutier. I have known him a number of years and have had one or two cases with him previously. The man has not got about him a suggestion of the discriminator. He is a complete personality, and you cannot believe that he would engage himself in any form of shenanigan that would distort the duties of his office. I say that unhesitatingly. He told me on questioning that there is no doubt whatsoever that had he been approached he would have prosecuted the case. None at all.

He said, "They just never approached me." He said the first thing I knew, this fellow was writing to me. I was getting telephone calls from Mr. Caldwell telling me of the

inclusion of Mr. Karswick. The thing was out of my hands from the very first. He said, "I appeared and made the election to give him the status to prosecute the matter." He said, "What I was afraid of, is that because of the civil practice we carry on, that there might be a suggestion that since we acted for clients in the Hearst area, that if I prosecuted there would be a suggestion of favouritism or bias." He said, "But I never had the opportunity, to do it."

Hon. Mr. Wishart: That is the crux of the matter.

Mr. Sopha: He said: "I hold no brief for Claude Comeau. I would enforce the law and prosecute against him as I would any other citizen of Hearst." He said: "I have prosecuted many of the best people in Hearst, and make no exception for Comeau."

Then he listed some of the people. I will not put their names on the record here, but some of the leading burghers of that town, including your very high political office locally. And he said: "Why should it be suggested by someone in the Legislature that I am in some way derelict in my duty in respect of this case."

I thought the record should be complete in that respect. That one should take note of the contribution made by Cloutier in that district, and I thought, as a result of all this fuss, and the security council aspect of this case that you were in danger, I say to the Attorney General through you, Mr. Chairman, that Cloutier might quit. That he might say: "Why should I take that abuse, 400 miles away, where I have no opportunity to reply."

Hon. Mr. Wishart: Five hundred and fifty.

Mr. Sopha: Five hundred and fifty!

And really, I do not know what you would do. You have enough difficulty. Mr. Chairman, I do not know what the Attorney General would do to get a crown attorney. He has enough difficulty in getting them in some of the major areas, including Sudbury. But with four lawyers in the west part of Cochrane district!

The next lawyer to the west, let it be noted, is at Port Arthur. Probably something like 400 or 500 miles away. There used to be one at Geraldton; there is not now. The next lawyer to the east, is the distance from Hearst to Cochrane. I forget my distances, but it is important to note the long distances that we are dealing with in

here and the paucity of legally trained people. I would be among the first to draw attention to the matter if I felt any injustice was done; but what is all the fuss about? Comeau was convicted.

Hon. Mr. Wishart: I do not know.

Mr. Sopha: And I know of no case in 15 years of practice where common assault was ever proceeded with by indictment. The only way it is ever dealt with by indictment in my experience is when a jury convicts of a lesser count. They convict a person of common assault.

Mr. Chairman: Reducing it from the—

Mr. Sopha: Reducing it from the larger offence. Then it is a conviction on indictment, and is dealt with accordingly; but I know of no other case, and it looks to me—

An hon. member: Cases of assault causing bodily harm!

Mr. Sopha: —Section 231(2); 231(2).

Mr. J. Renwick (Riverdale): That is right. These charges were double barrelled.

Mr. Sopha: All right! And it was open to Mr. Bird, the complainant. Yes. It was open to him with appropriate legal advice to insist that the matter be proceeded with under 231(2).

Hon. Mr. Wishart: In which case the crown attorney would have been bound to prosecute.

Mr. Sopha: Bound to prosecute. He would have been bound to prosecute.

Hon. Mr. Wishart: That is all Mr. Karswick needed to do.

Interjections by hon. members.

Mr. Chairman: Just a second gentlemen, Mr. Renwick is next on the list.

Mr. Sopha: Let me just conclude by saying that had Karswick been about his business and wanted to make a real federal case out of it, he would have set the thing in motion on a different basis. But I cannot understand Comeau. Of course. Let it be said he is convicted in that community; he is a man with a criminal record and the suggestion should never be mooted about here that he has escaped harmlessly by it.

I will just finish by saying that we will be well served in that district if we can keep

young Cloutier in harness as the crown attorney and young Bordeleau continues to carry on the legal aid work in the way that he is doing.

Mr. Chairman: Mr. Renwick.

Mr. J. Renwick: Mr. Chairman, my remarks are going to be very brief about this. What concerns me is the substance of it.

The request originally arose by way of a question to the Attorney General to ask whether or not the department would pay the account of the Ontario Union of Indians rendered by Mr. Karswick in this case. Out of this there has been a great deal of discussion and some embittered discussion about it. Two or three things concern me: One just came out tonight. I do not quite know why the Minister of Justice did it. I assume—although, the remarks would make it a little difficult to believe, that the Attorney General believes it to be so—I would assume that he agrees that on the evidence, Mr. Comeau was properly convicted.

Hon. Mr. Wishart: Yes.

Mr. J. Renwick: But I do not understand why this question of the evidence which was withheld as to Mr. Bird's drinking was not tendered or was commented upon by the Attorney General, because surely that would have been something going to the question of whether or not Mr. Comeau should or should not have been convicted. And I just do not understand.

Hon. Mr. Wishart: I can answer that immediately. Because on my statement to the House—and I quoted somebody saying—the policeman said it. He said Mr. Bird was upset or something. I have paraphrased. Mrs. Stevens was upset, Mr. Bird appeared to be normal. Someone—Karswick—said in a letter to me, "You are implying that Bird was drunk." I had never used such an expression or made no implication of that nature.

Then when it was raised by him, not by me, I did indicate that that was the policeman's statement, that Mr. Lenton's letters and Bird's statements to him said: "I had four or five beers." When he says four or five beers on that occasion; it is apparent that he had four or five beers, I think. And I said there was no evidence of this given. That evidence was not even offered in defence. There was no attempt, there was no—

Mr. J. Renwick: That is right and is quite irrelevant.

Hon. Mr. Wishart: It is quite irrelevant. But if Mr. Karswick had not charged me with implying that the man was drunk, I would never have raised it. The evidence was not even offered.

Mr. J. Renwick: Well, I quoted the single sentence—

Hon. Mr. Wishart: Surely one is entitled to refute. Surely one is entitled to refute what I consider a very unjust and uncalled for allegation that I was suggesting or implying that the man was drunk.

Mr. J. Renwick: As I say, I quoted the sentence before dinner. I want to go on to the problem which I feel very unsettled about and unsatisfied about. I think it is reflected in the comment which the Minister of Justice made a while ago that there was a deliberate studied attempt to avoid the crown attorney.

Hon. Mr. Wishart: That appears to be.

Mr. J. Renwick: That appears to be the conclusion that you have drawn from it. I do not quite understand where this deliberate, studied attempt took place, because in your statement on March 19 you state that at 7.05 p.m. on April 5 the Ontario Provincial Police detachment at Hearst received a call from Claude Comeau, the owner of the Queen's Hotel in Hearst, who reported that an Indian lady had just broken a window in the hotel and that he intended to seek payment of damages from the party who was involved, although he did not wish to lay any charges.

The police made due note of this call. I think it was fortuitous that Mr. Comeau made the call. I think it is most unusual that a person would call the police and tell them that he was not going to lay any charges in an incident which occurred and then at 7.15 p.m. on the same evening—10 minutes later—Mr. and Mrs. Bird and Miss Elizabeth Stevens reported personally to the Ontario Provincial Police office and complained of being assaulted by Mr. Comeau at the Queen's Hotel.

Mr. Bird complained that he had been punched in the face before being evicted. And Elizabeth Stevens went on to make her remarks about it. The police officer took all the statements and he went to the hotel and he came back. Due to the conflicting statements and the fact that the police officer could not satisfy himself as to what exactly happened, he advised the complainants to place their complaint before the justice of the peace, which was then done.

There was a ten-minute interval between the time that Mr. Comeau called, which presumably was right after this event occurred because the report of the Attorney General said, yes, it was: "had just broken a window." It was only about 10 minutes from that time until Mr. Bird and Mrs. Stevens and Mrs. Bird arrived at the OPP station. Yet a little bit further on, I find on page 822 of the minister's statement:

It is significant, Mr. Speaker, and I interject this, that these complainants did not go to the police. They first apparently went to some representative officer of The Ontario Human Rights Commission. They did not seek in the first instance, as far as we can ascertain, the police.

I think the statement which the Attorney General made very clearly shows that they did go promptly to the police.

Hon. Mr. Wishart: That is right. I am wrong. That is right. Agreed.

Mr. J. Renwick: Yes. Now it may well be that following upon that that they went to the development officer of The Department of Social and Family Services or the representative of the Ontario Human Rights Commission or the representative of the Ontario Union of Indians and that in the circumstances, having laid this private complaint, certainly on the information which is available having been told that they would proceed by way of private complaint, I do not think it is very unusual that they would then proceed to feel that they had to have their own counsel or otherwise they might very well go into the court and there would be nobody there acting for them or for the Crown because that is normal procedures on private complaints unless very special arrangements are made.

Hon. Mr. Wishart: No. It is not normal.

Mr. J. Renwick: It is certainly normal in the city of Toronto if it is a private complaint that there is no one from the Crown who appears in the court. But it certainly does not—

Mr. V. M. Singer (Downsview): The ones that I have seen the crown attorney just sits there, and does not say anything while the matter is dealt with. He does not vanish.

Mr. J. Renwick: There are some courts when there is no crown—

Hon. Mr. Wishart: That is not the way it is in Northern Ontario.

Mr. J. Renwick: Then I have never been in the court in Hearst. All I am saying is

that there was nothing unusual about the advice which they got to get a private lawyer to handle the case in the circumstances.

Now subsequent to that time apparently nobody took any initiative to deal with the matter except that the police within the next two days completed their investigations. Then I presume the matter was forgotten and everybody thought that it was all over. I do not think that it is justified in saying that there was some deliberate studied attempt to avoid the crown attorney. The minister says that there was no suggestion that the crown attorney should prosecute. Certainly, the crown attorney did not make any suggestion that he himself should.

Hon. Mr. Wishart: He did not know of it.

Mr. J. Renwick: After he was called by Mr. Karswick, he could, in the course of that kind of a discussion, have said, "Look, there is no need for the Ontario Union of Indians to incur this expense. I will handle the case for you."

An hon. member: Right. The point was drawn to his attention.

Mr. J. Renwick: I mean I think it could have been done that way. All I am simply saying is, does it or does it not—and I leave it to the Attorney General who practised in the north for many years—reflect some sensation of a pattern of response, having nothing to do with whether or not members of the Indian community are welcome in a hotel beverage room or are discriminated against in any way? Does it reflect a pattern of behaviour or attitude which indicates that, if there is a fight in a beverage room—and the minister himself called it a bar-room brawl—the dice are loaded against the Indian?

That is the problem. It is not the problem of overt discrimination because, naturally, people go in and out of the hotels and this Indian community does, particularly in Hearst and in other areas, just as well as they do anywhere else. But is that not the fundamental problem? Whatever the keyed-up emotions which later became involved, is that not good grounds for saying that, whatever the recommendation of the Union of Ontario Indians, whatever the recommendation of the member of the Ontario Human Rights Commission, whatever the recommendation of the Indian branch development officer may have been, despite the fact that they all got very involved in this, is it not reasonable that they advised the Indians, in the light of that particular pattern of be-

haviour in the north, that they were best to have their own lawyer? If that is the case? And if that is the question, that there is this pattern—and it was a reasonable proper attitude for them to take—then I think the Attorney General is still under an obligation to pick up the tab and not to charge that expense against the Ontario Union of Indians.

Hon. Mr. Wishart: Mr. Chairman, may I deal briefly with the comments here. I cannot fail to reach the conclusion, which I have so firmly in my mind—and, of course, I could be wrong—but I think I must conclude, and by this conclusion I stand for the moment, that when the charge was laid, and when the information was laid, the investigation by these two persons, who are pretty knowledgeable persons, shows that they did not make any attempt to seek the crown attorney. They never did. Their advice, as they admit, to the complainants was "get a lawyer" through the Union of Ontario Indians.

Mr. J. Renwick: And there is some evidence that the police officer said that too, is there not?

Hon. Mr. Wishart: Yes. But, had I been Mr. Karswick, it seems to me, sitting in Toronto 550 miles away and knowing the distance and knowing anything about court proceedings, I would have said, "Why do you need a lawyer to come 550 miles from Toronto to Kapuskasing? Did you see the crown attorney? Will he not prosecute this case? Have you been talking to him? Have you asked him to take it on?"

But nothing of this sort was done.

Mr. G. Ben (Humber): You could have said: "Go and see Sopha!"

Hon. Mr. Wishart: When I said to Mr. Cloutier, when I said to Mr. Caldbick: "Tell me, I want to know why, what happened in this case?" Mr. Cloutier, who was the acting crown attorney, said in his letter of September 30, last year:

I am advised by the police and Mr. Trowsse that there was never any discussion as to whether the crown attorney would be prosecuting in this matter.

That is his statement to me. He is writing to Mr. Caldbick:

At no time did I advise anyone that I would not be prosecuting. I always prosecute the cases on the list.

As the member for Sudbury says, this is the rule.

I always prosecute the cases on the list. When I am unable to do so I make arrangements for you to attend. It is to be noted that before the first hearing Mr. Karswick asked that the matter be remanded to May 26, a date of his choice.

Mr. Karswick called Mr. Cloutier and said, "I am acting on this case. I cannot come up in April or whatever the first date was; put it over until May 26."

I attended that court on May 26 and elected—

That is when the election was made:

—to prosecute summarily in order to allow Mr. Karswick to prosecute.

Because he could prosecute; it was indictable.

This was not done to get out of the prosecution but rather to enable Mr. Karswick to prosecute.

Then he continues:

No one at any time asked me whether I would prosecute or not, except Mr. Karswick who was present and advised that he would be prosecuting. Mr. Karswick was very pleased to see that all matters had been attended to so that he could go ahead with the prosecution of the case.

That was the election and the subpoenaing of the witness.

He certainly did not express any displeasure at any time. To the contrary, I think he would have been very upset if I had elected to proceed by indictment, thereby preventing him from prosecuting.

I am informed that on April 26, 1969, Mr. Bruce Lenton of the human rights commission, Port Arthur, had already ordered a full transcript.

That was before the case came on. I do not think I need to say much more. That is why. The question was: "Why does the Attorney General reach that conclusion?" I am driven to it. I am driven to it by the facts.

Mr. Chairman: I have on my list Mr. Singer and Mr. MacDonald. I think, Mr. Singer, though, wanted to get onto another subject. Mr. MacDonald, did you want to carry on with this for another moment or two?

Mr. Singer: Yes, I do.

Mr. MacDonald: I do not want to return to the details of this case. Our discussion of

it is becoming a bit wearying, but I do want to deal with the fundamental problem here which, I want to re-emphasize, is a continuing problem. At one point—I have been trying to find it in *Hansard*, and I cannot put my finger on it—the Attorney General, when I raised an allegation that there was an uneven administration of the law as far as Indians were concerned, said that he had never heard of that kind of thing before. I challenged him at that time. I cannot, at the moment, cite the author, but the law society or some body of lawyers has done a study which documents pretty solidly the widespread prevalence of mistreatment of Indians. Indeed, I am sorry Mr. Sopha has left because on many occasions he, in the House, has said that if an Indian is drunk he is treated differently from a white man and this is the problem. It is a continuing problem.

Hon. Mr. Wishart: This may be.

Mr. MacDonald: This is by way of documenting that it is a continuing problem. We can leave it for, I trust, the minister's serious consideration from this point forward.

I want to put briefly on the record two other excerpts from the file of the human rights commission. The first one is signed by another officer, R. W. McPhee, who I understand, is now with the human rights commission in Toronto. He used to be at Port Arthur. It is dated February 29, 1968:

The nature of the problem: alleged assault by Hearst police constable and an unknown civilian—identified as owner of 1968 Dodge, Ontario licence 26085L; two-door; blue and white. On February 10, at 10 p.m. in front of the Queen's Hotel, Hearst. Complainant says he was drunk and fell to the ground where he was kicked in the face and head by the constable, who was assisted by the civilian. Disposition or referral of the case. Complainant refused to give a written statement because of alleged fear of reprisal by the Hearst police. Informal check with the OPP Corporal Kirychuk revealed that the Hearst constable had been dismissed from the Hearst police. Reasons included the above incident.

Hon. Mr. Wishart: Yes, he was dismissed.

Mr. MacDonald: Right, but this is the kind of thing that has gone on. One other excerpt from a memorandum in the file—unfortunately it is not dated—again by Bruce Lenton, en-

titled "Constance Lake Reserve; mistreatment of Indian people in Hearst, Ontario":

The officer discussed with Mr. McClellan, CDO (community development officer), Hearst, Ontario, the relationships between the Indian people, the French community, the OPP and so on.

Mr. McClellan replied that there was a false veneer of services which were available to the Indian people. In other words, proprietors would not go as far as to refuse services to the individuals because of the implications of the code, but they would act on the slightest excuse to remove them or mistreat them.

The Ontario Provincial Police, the welfare officer and so on, all did not understand the social situation in regard to Indian people and therefore services and relationships were poor. The officer and Mr. McClellan agreed that the majority of the social life of the Indian people in Hearst was in the bars, and that the bars are where the people are mistreated.

Drinking problems apply to both Indian and French communities, and thus the situation becomes one where a white drunk is treated better than an Indian drunk, the difficulties involved in this type of case are obvious.

Then they go on to spell out specific cases that have occurred. The minister might like to look that up.

I suggest to you that this is a problem, not only in Hearst and Kenora, but indeed in many other places. Now that he is back, I call to witness the many speeches—if I go back into *Hansard*—of the hon. member for Sudbury with regard to this unfortunate kind of situation. It results in an attitude, that sort of unconsciously—perhaps without any overt desire to discrimination—it results in discrimination and an uneven application of the law.

I am not minimizing the proportions of the problems nor the difficulties in coping with them. But it is a problem and it exists. For the Minister of Justice to indicate, as he did once in the House, that he was unaware of this, that he had not heard this kind of a charge before, is the kind of thing that baffles. I am motivated rather to drive this case relentlessly, because I think this is an illustration.

Hon. Mr. Wishart: Mr. Chairman, I do not think that I have indicated that I am unaware of the situation—not necessarily in the

different treatment of Indians, although they do ask for different treatment in many areas of our society, and perhaps with some justice.

But I am not unaware of the situation. I have lived beside Indian reserves and Indian communities in my own constituency, formerly, of Sault Ste. Marie, when they extended from White River down to Garden River. There were five Indian reserves; I knew those Indians.

We had in the House a year or two years ago the situation in Kenora where 15 Indians were killed on the railway tracks. Our investigation indicated that this was a result of sitting in the hotel beverage room until midnight, or 11.30, when the time came to go. They had been drinking, and the proprietor said, "Now you must get out." They left, bundled up to the ears, and went up the track to the reserve and were overrun by trains in the state they were in.

Every one of the 15 cases that were investigated showed the content of alcohol in their blood to be such that they were impaired, if they had been drivers. They were walking up the track and were killed by the train.

This situation exists. This is not court, but it is a problem. Kenora has that problem still today. But I have watched in the court, I have been in the court. I have defended the Indians, I have prosecuted them. I have never noticed, in my own community, that the court, as Judge Leger did here, treated the Indian any differently in his approach than he did the white man. But the Indian has problems.

Mr. MacDonald: Very few of the cases ever get to the court. That is the very uniqueness of this case. It was one where they laid charges.

Hon. Mr. Wishart: There is the difference of attitude; there is the difference in—oh, I do not know, I suppose in culture, away back. In our courts I think that we have really tried to see that the Indian is given, not only justice, but perhaps a little more consideration than the white man.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Chairman, I wanted to ask the Attorney General something about crown attorneys and assistant crown attorneys, particularly in the county of York.

In relation to what Mr. Dick said earlier about the seven grades of pay. I wonder if your figures would indicate to us how many

assistant crown attorneys we have in York county, and what grades of pay they have arrived at? And the seniority—not necessarily the names, but how many have had five years, four years and so on?

Hon. Mr. Wishart: I will ask Mr. Dick to give you that information.

Mr. A. R. Dick (Deputy Minister of Justice): If I may, Mr. Chairman, the complement in the county of York: we have one crown attorney and 33 assistant crown attorneys. At the moment I cannot tell you exactly how many of the complement—that is the 33 assistants—may be vacant. The classifications vary from time to time in the younger men as they change over.

You do not want to know the individuals do you? I sort of have a reluctance to disclose the individuals and their salaries.

Mr. Singer: No, I want to know how many have had seven years' experience, six years' and so on. How many are getting paid near the top and how many down at the bottom?

Mr. Dick: Well, if I may run through the legal officers and their classifications that we have in the county of York, we have the crown attorney of course, and then we have the deputy crown attorney, which is a legal officer 5, and one other legal officer 5.

Mr. Ben: What is his name?

Mr. Singer: Yes, who is the deputy crown?

Mr. Dick: Peter Rickaby.

Mr. Ben: I thought Langdon was the crown attorney.

Mr. Singer: No, not Langdon.

Mr. Dick: Harvey McCulloch.

Hon. Mr. Wishart: He was the senior crown attorney for the county of Wentworth.

Mr. Dick: So we have two legal officer 5s.

Mr. Singer: The first five is—

Mr. Dick: Peter Rickaby is a five and there is one other senior.

Mr. Singer: Yes, okay.

Mr. Dick: The next is a legal officer 4, and then we have five legal officer 3s, and 12 legal officer 2s, and 10 legal officer 1s.

Mr. Singer: Ten legal officer 1s. So you would appear to be three under strength, would you?

Mr. Dick: Three under strength at the moment, if that totals 30, yes.

Mr. Singer: And of the 30 that you have, 22 are 2s and 1s, and it would not be unreasonable to say that the 2s and 1s may have been called to the bar within the last—what? A maximum of three years?

Mr. Dick: Oh, there are some there who have been more than three or four years—not in the 1s; in the others.

Mr. Singer: Yes.

Mr. Dick: The 2 is a full working level, so to speak.

Mr. Singer: Well, what bothers me—and I think it is pretty obvious from the statistics—is that in the county of York, where you have greater criminal business for our courts than there is anywhere else in Ontario—what is it; about what percentage of criminal trials take place in York, as a percentage of all criminal trials in Ontario?

Mr. Dick: Roughly a third in all classes.

Mr. Singer: Where you have a third of the trials and probably some of the most serious ones tried, you have 22 of the 30 assistant crowns who are very junior.

Mr. Dick: With respect, sir, we do not consider the 2 as junior. The 1 is junior; the 2 is not a junior in that sense.

Mr. Singer: All right, if we are going to quibble about words, what does the 2 get paid?

Mr. Dick: Let us go over what I had earlier tonight.

Mr. Singer: \$9,500 for the 1; the 2 gets paid—

Mr. Dick: Legal officer 2; the maximum presently is \$16,800, and that will go to \$17,880 this October.

Mr. Singer: And what is the maximum for number 1?

Mr. Dick: The maximum for legal officer 1 is \$12,445.

Mr. Singer: And what do 2s start at?

Mr. Dick: Legal officer 2 would start—the lowest step is \$12,445, but they sometimes start at the next step up, depending on their qualifications and so on.

Mr. Singer: I am sorry. I was buying a cup of coffee at the moment; I did not hear you.

Mr. Dick: The first step for legal officer 2 is \$12,445 but, for instance, a man coming in who had some particular experience might start at the next step, that is the first step upward.

Mr. Singer: The point is, Mr. Chairman, that it seems to me unreasonable and unfair that, by and large, more than two-thirds of our assistant crown attorneys in the county of York are in the two lowest grades that you have available, and the lowest grades are determined, by and large, by their seniority. There are other factors, as Mr. Dick has pointed out. But we seem to be having great trouble here in the county of York. There was the discussion, which the member for Humber mentioned, about Mr. Langford.

Mr. Ben: Langdon.

Mr. Singer: Langdon. He did not quite make it. He ran afoul, I am told, of certain discussions in the cabinet.

Mr. Sopha: One of your greatest failures—

Mr. Singer: Yes.

Mr. Sopha: —that you did not get him through.

Hon. Mr. Wishart: I thought we did very well, on the point we made.

Mr. Singer: The fact is that he did not get there.

Mr. Ben: That is a coverup.

Mr. Singer: It seems to me indicative of the shortage of talent we have in this most important legal office that we have to go to Hamilton and appoint Mr. Harvey McCulloch who, I say, at first instance, is a very able lawyer. But we charge him with the responsibility of looking after the crown attorney's office in the second busiest county in the province of Ontario, the county of Wentworth. So that between York and Wentworth, I would guess we deal with half of all the criminal cases in the province of Ontario? Is that fair?

Hon. Mr. Wishart: Yes.

Mr. Singer: Yes, and we have one senior crown attorney. It seems to me, Mr. Chairman, that somewhere along the line our system of appointing crown attorneys and

our system of paying crown attorneys is proving that we are not doing the job properly, because we do not seem to be able to retain in those positions, or to attract to those positions, men of sufficient interest who want to stay with those jobs. I think the reason for it is that the pay is not good enough.

The Attorney General knows what happens and Mr. Dick knows what happens. What happens is that a great number of bright young lawyers, fresh out of law school, say, "That is a good thing. We do not know what we are going to do to start out in practice. We would like to do court work. We are not too experienced. We can obtain an appointment as an assistant crown attorney. In the meantime, we will get a little more experience and perhaps build up some kind of a following. Then, in a year or two, we are going to get out into private practice, where the money is better, because there is no great inducement to stay on in the service of the Crown."

There could not be a better example of this than in the trouble that the Attorney General has recently had in finding a senior crown attorney for the county of York. These statistics that Mr. Dick has just given us indicate that you really are, in fact, bereft of talent.

Hon. Mr. Wishart: I could have easily found a crown attorney.

Mr. Singer: Oh, I am sure, out of these 33. Out of these 33—

Interjections by hon. members.

Mr. Chairman: Order, order! Mr. Ben, Mr. Singer has the floor.

Mr. Singer: Out of your list of 30-odd, some of them would have been very happy to accept that appointment. But you were satisfied to make that recommendation. What I would far rather have seen is that you went into private practice and you looked for some of the gentlemen who have had substantial experience before our criminal courts and offered them enough to bring them in to be chief crown attorney in our courts, not only for the reason for the enforcement of criminal law, but also for the reason of the protection of our citizens. It is most important that the whole method of appointing and evaluating crown attorneys and paying them has to be reviewed, and it cannot be more importantly emphasized than in the present shortage that exists in the county of

York. How many assistant crown attorneys are there in the county of Wentworth?

Mr. Dick: Two full time.

Mr. Singer: Two full time. And Mr. McCulloch, I would imagine, could keep himself pretty busy in Wentworth just looking after the cases that fall due to the senior crown attorney.

One other point that I think is of some interest, how old is Mr. McCulloch? He is not a young man.

Mr. Singer: Sixty.

Mr. Singer: He is 60. Well, he has to be a stopgap. First of all, you have given him the biggest job of being crown attorney that anyone probably has ever had in the province of Ontario in recent years. Secondly, he is not a young man. Even the journey backwards and forwards between Hamilton and Toronto, to make sure that both shifts are going and on even keel, is a pretty serious strain. Thirdly, there is the problem of dealing with the important trials in Toronto and in Hamilton. I think you have asked Mr. McCulloch to do just far too much.

Mr. McCulloch is a man who enjoys an outstanding reputation in our profession. He is a bencher of the law society. Every one I know speaks very highly of his honesty, his integrity and his ability, but I think you are just pushing him too far, and I think what happened was that when the Attorney General got himself into a spot, because the first recommendation sort of fell flat on its face, he did not know where to turn and he went to good old Harvey McCulloch and said, "Harvey, we are in trouble. Will you help us out?" And good old Harvey, being the gentleman that he is and having the good sense of responsibility for the administration of justice, said, "I will Art."

I do not think that is good enough for the system in the county of York and the county of Wentworth and the whole province of Ontario, and I would like to hear what the Attorney General plans to do about it.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, I do not know that the Attorney General got himself into a spot in the crown attorney's office in the county of York. It is true that we lost a very eminent crown attorney in the person of Henry Bull, who had been the senior crown attorney for the county of York for a number of years and, I think, conducted the

office in a very first-rate manner. He was a man of great experience and ability and trained the young men who came in there under him very well.

It is true we do lose young men who come in and spend two or three or four or five years with us and gain a certain experience, and go on; I think this is to be expected. I do not think you will ever get away from that, because this is true in not only law offices but in other industries and other types of activity.

I think perhaps it would be very simple if we could raise the level of salaries to such a level that we would never lose an employee, but opportunity is offered—and the law profession is a very lucrative opportunity for one who wishes to work and devote himself either to criminal work as a defence lawyer or in other areas of the law practice.

The situation was not that the Attorney General got himself into a spot but that we lost our late Henry Bull and then we appointed his deputy, the next senior man, who was appointed as a judge of the supreme court after a short time.

Mr. Singer: County court.

Hon. Mr. Wishart: County court!

And in the interim, of course, there was a change in administration and a flux, and I think it is fair to say that the office perhaps fell away a bit from the standard which had been set, and there were certain attitudes developed and perhaps—especially when the appointment to the bench was made—a question of who would succeed.

I think it would be very wrong for the member for Downsview to suggest to me that we go outside of our office, where we have 30 men, and offices throughout the province, to private practice and bring in an outside man.

Mr. Singer: Why?

Hon. Mr. Wishart: Well first of all, it would not create very much of a situation of loyalty or the possibility of promotion within the office. And I think you would destroy the feeling that "If I do a good job as a crown attorney, I shall eventually move up as opportunity may offer." To go outside, to me, is wrong from that point of view, and furthermore, if you go outside your crown attorney personnel and go to private practice, you do not find anyone with prosecuting experience, because they are all either defending or they

are in some other line of practice. So you go outside and say to a man, very eminent as he may be in private practice, "Come in from your field where you have been a defence counsel." True, he may have experience in the court, and you say, "Come in and take over the prosecuting side," and I think you destroy much more than you would gain by doing that.

There was no recommendation went to cabinet. We considered the name that you mentioned, but it was not made in cabinet.

Mr. Sopha: Excuse me, but you said to me, "Funny you should ask that, because—"

Hon. Mr. Wishart: No, I did not say that.

Mr. Sopha: "—because I am just passing the recommendation."

Hon. Mr. Wishart: You look up *Hansard*. You will find that I said, "You might be fairly close to the mark." That is what I said.

Interjection by an hon. member.

Hon. Mr. Wishart: In reply to the question you asked in the House, if you check *Hansard* you will find that I said, "You might be fairly close to the mark." That is what I said exactly.

Mr. Sopha: Do not get yourself out on a limb; just be careful.

Hon. Mr. Wishart: But that does not say I made a recommendation to cabinet.

Interjections by hon. members.

Hon. Mr. Wishart: I do not know, it will be finished, I do not need to be careful. I am being careful. I am being exact. We sought the most senior, most capable man we could find. We made arrangements in his office so that his senior would move up. I think within the establishment of crown attorneys, within the office, that is the way to go.

Mr. Singer: Well, Mr. Chairman—

Hon. Mr. Wishart: You say that is a stop-gap. McCulloch is 60, I believe. He has a good many years if he wishes to serve us. But the matter does not necessarily need to rest there or remain in that situation for a long time.

Mr. Singer: Mr. Chairman, the Attorney General's excuse for not going outside of the—

Hon. Mr. Wishart: I like the promotion from within.

Mr. Singer: All right. Certainly you do little to encourage the 30 younger men who are on the staff and as assistant crown attorneys in the county of York when you bring in a much older man from Hamilton and you give him twice the work load that probably anybody has ever had before. You effectively destroy the kind of initiative that you said deserves to be encouraged. So I just do not follow the Attorney General's logic in this regard.

But it would seem to me that when the Attorney General suggests that in private practice you do not find the sort of person who might have the experience—and I just scribbled down three names—

Hon. Mr. Wishart: As a prosecutor.

Mr. Singer: —as they came to me; yes. I would say that a fellow like Dubin who—he would not touch it. But I wonder if anyone would ever ask Charles Dubin if at this stage when he has had a very successful practice whether perhaps he might be interested in something different; if he might want to come in and be chief crown attorney for the county of York. Or Arthur Martin or Norman Borins, and there are perhaps a dozen others.

An hon. member: He has got to be kidding.

Interjections by hon. members.

Mr. Singer: Along the same line some people who have served as lawyers for a considerable period of time—

Hon. Mr. Wishart: You are not really serious.

Mr. Singer: I am certainly serious because I think you made a terrible mistake here.

Hon. Mr. Wishart: You are not serious that you could get Arthur Martin.

Mr. Singer: I think if you brought them in for a year, or for six months while you canvass the situation, Mr. Chairman.

An hon. member: Charles Dubin was counsel on the royal commission.

Mr. Singer: Yes, I agree with that, but he had no experience in prosecuting—

Hon. Mr. Wishart: If you think you could—

Mr. Singer: I think, Mr. Chairman, that—

Hon. Mr. Wishart: The member has to be kidding.

Mr. Singer: —by the Attorney General's making Harvey McCulloch the crown attorney for the county of York while he has other very serious responsibilities and while he is no longer a young man, he did very little to encourage the morale of the 30 junior crown attorneys who serve the county of York.

Then the other facet of it is if you are three under strength and if that job is made sufficiently attractive, then I do not think you would be under strength. I think you would have a long waiting list.

Hon. Mr. Wishart: We will fill those vacancies.

Mr. Singer: Oh, you will fill them in due course.

And the third thing is that you do not seem to be able to hold these fellows because of the salary levels. It would seem to me that you should be constantly seeking as assistant crowns in places like York and Wentworth people who are reasonably likely to be interested in staying by reason of the salary they are getting. And I suggest that because of the turnover that you obviously have—and these figures speak for themselves—that you are not paying that kind of salary.

I know the Treasurer (Mr. MacNaughton) and the Treasury Board are constantly after you to cut costs. If you are going to cut down costs in paying your assistant crowns insufficient salaries to produce the results that you have, this is one of the most false and foolish economies that can possibly be made. It would seem to me that one of the greatest services that the Attorney General could do is to build up the crown attorney staff in the county of York. At the present time, I do not think it is built up. I think you have done as much to destroy morale by being unable to find from within your present strength someone to take over that job when the former incumbent was appointed to the bench, as anything that could be possibly done. I think that—

Hon. Mr. Wishart: Yes, the deputy mentioned to me that Lloyd Grayburn was only there a short time and we did not have much time to build under his administration.

I agree with the hon. member that I would like to get higher salaries for assistant crown attorneys and I think we will achieve that. In almost every area of the administration of justice we have been able, I think, to do a

great deal, with the judges, the crown attorneys, the other court officials and so on. We have been able to increase salaries and really I am sometimes amazed at what we have been able to do. I think probably we will be able to move on this.

Mr. Singer: You should be, you are getting support from us on this.

Hon. Mr. Wishart: I cannot say that we should be criticized for going out and seeking because we went outside the county of York, or outside the local office and got a very eminent man. I do not think this is cause for criticism.

Mr. Singer: There is no question of the fact that he is a very eminent man, but when you keep him as crown attorney in Wentworth and also give him the new job of crown attorney in York, the biggest one; and he is then responsible for 50 per cent of all the criminal cases in the province of Ontario and he has got to travel backwards and forwards between Toronto and Hamilton and he is no longer a young man; then, I think, you are deserving of criticism.

Mr. Chairman: Mr. Yakabuski.

Mr. P. J. Yakabuski (Renfrew South): I have been following this, Mr. Chairman, and it seems to me that from what the hon. member for Downsview has said you could use more crown attorneys in the county of York. I was just wondering that perhaps after the next election, the member for Downsview might be interested in it himself.

Mr. Singer: You never know.

Hon. Mr. Wishart: Maybe before.

Mr. Chairman: Mr. Renwick.

Mr. J. Renwick: My topic is not the specific question that the member for Downsview has raised, but is there any need or endeavour by the minister to make certain that ethnic communities other than the Scottish, Irish, English and Welsh are represented by crown attorneys in Metropolitan Toronto and elsewhere? I am thinking of the Italian community, and the Greek community and the Portuguese community.

Hon. Mr. Wishart: I have the names here before me — Lesage, Matusiak, Ewaschuk, Chasse, Wijesinha—

Mr. J. Renwick: Are there any from the Italian community?

Hon. Mr. Wishart: I cannot say of my own knowledge. None that I know of.

Mr. J. Renwick: Perhaps the minister would make a note of that and let me know at some point whether there is some representation of the Italian community and the Greek community; and perhaps the more recent community of the Portuguese as well. I get the impression that there is a tendency to stay in the northern part of Europe, to the extent they are not available.

Interjections by hon. members.

Mr. J. Renwick: No, I am talking about the Italian and the Greek and the Portuguese communities.

Hon. Mr. Wishart: I would certainly check that but I do not think—certainly I would not want to give the impression there is any policy to select from—

Mr. J. Renwick: No, I understand.

Hon. Mr. Wishart: But I do not think we should select just because they are of a certain ethnic background.

Mr. J. Renwick: But I think it is a factor to be taken into account among the crown attorneys just as it is, I believe, and should be, a factor taken into account among the police.

Hon. Mr. Wishart: Yes.

Mr. R. J. Boyer (Muskoka): Mr. Chairman, is it not true there is no record kept of the racial background of any official, of any person, of any employee of the government.

Hon. Mr. Wishart: I think they are not supposed to. Certainly, that is not policy.

Mr. J. Renwick: I am not suggesting any breach of the Ontario human rights code.

Interjections by hon. members.

Mr. Chairman: Gentlemen, one at a time. It makes it an impossible situation for *Hansard*. Are you finished, Mr. Renwick?

Mr. J. Renwick: I would just like to say that complete adherence to that rule perhaps tends to continue to exclude representatives in the crown attorney's office who are of Italian, Greek and Portuguese extraction.

Mr. Chairman: Mr. Lawlor.

Mr. Lawlor: Mr. Chairman, while I am not going to be particularly harsh or hectoring in touching the business of the crown attor-

neys, I would like to raise a plea with the Attorney General arising out of the grand jury report to which he replied. I have some misgivings, and I think that is as far as I would be prepared to go, about the use of *per diem* crown attorneys. That is, those usually criminal lawyers in private practice who, day after day, defend individuals in court. On occasions, when you reach peak loads you turn to them—I know some of them—and say, "Will you come in the next following day to handle cases of a certain court or certain cases and take the load off our regular staff?"

I think you must agree that it is not altogether a desirable situation so to do; these men are on both sides of the fence, so to speak. One day they are representing, in an adversary system, the position of an accused person; and the next day, in similar types of cases, taking the opposite stance. There are several things that go into it.

One that immediately occurs is that perhaps because of this dual role they are playing, they may curry some favour within the crown attorney's office. Full impact of the impartial, arm's length relationship with the crown attorney's office would be to some matter eroded or not maintained at the same level as with those lawyers who practice and do not participate on both sides of the fence from time to time, or day to day.

I would ask you to very seriously reassess your position concerning *per diem* crown attorneys. If you increase your complement to the full, I would hope that it would be adequate to forefend against the possibilities of abuse that exist in this particular practice. These crown attorneys may also come into confidential knowledge in areas, through private conversations and through their hobnobbing with the regular crowns of information, which really ought not to fall within their knowledge.

Therefore, for two reasons, this gives them a privileged position before the courts. Secondly, it gives them a one-upmanship touching, again, the remainder of the profession. In other words, there is built into this practice possibilities that strike me as being less than palatable. While the quality of the men you choose are on the whole, as far as I am concerned, excellent, if they want to be crown attorneys, fine; if they want to be defence counsel, then let them stay to their lasts.

To have them working in a dual way seems to me almost arousing some conflicts, certainly conflicts in their own minds, on occasions. I would seriously say when the grand jury

made these protestations to you, there seemed to me some good base on which they were laid. When you answered them saying, "We have not the complement; we cannot take the pressures of the office; it does save us money in the short run and maybe in the long," that answer is not fully convincing.

I would ask you to review your practice in this regard.

Mr. Chairman: Mr. Renwick.

Mr. J. Renwick: Mr. Chairman, if we are finished with the crown attorneys, I would like to ask—

Mr. Chairman: Perhaps before we go on—

Mr. Lawlor: I am not finished with the crown attorneys, I have something else.

Mr. Chairman: I suggest we deal with that now, Mr. Minister.

Hon. Mr. Wishart: If I might, Mr. Chairman, before we do, as I did answer the questions—

Interjections by hon. members.

Hon. Mr. Wishart: I am going to be slain by the member for Sudbury for quoting *Hansard* shortly, but before I am slain, Mr. Chairman, we do have to engage assistant crown attorneys *per diem* in certain situations. The work is just too much for the permanent appointees and yet not sufficient to justify the engaging of another one or two more. In some places we have four or five courts, perhaps, going at one time, even in the counties and districts. You have to have some assistance from time to time.

One thing that I should make clear is we do insist that that *per diem* crown attorney never acts on the same case in which his office is involved; that he is prosecuting when someone with whom he is associated is defending.

Mr. J. Renwick: I am very delighted to know that.

Hon. Mr. Wishart: Sometimes I have found this happening.

Mr. Lawlor: Why do they not just become the judge?

Hon. Mr. Wishart: An associate might have a case or a partner or something of that sort. The other thing is these men do not go into the higher court; they do not go before the sessions or the trials *de novo* or the higher

court. They are only in the provincial courts; they act on cases in what might be considered the lower court.

I do not know that they curry favour. The situation there would be this. It is true, perhaps, they would get to know the crown attorney better by talking with him and associating with him in taking a case, but one bears in mind that in the great bulk of their work, if in the provincial judge's court, they are defending; they are going to be cross-examining police officers; they are going to be before the judge; their conduct is going to be assessed. I do not think they necessarily make friends or are in a position to get any favours when they are acting on that side.

Mr. Lawlor: They have an inside track.

Hon. Mr. Wishart: They may be more knowledgeable, but I do not think because they gain knowledge that that is some reason to condemn them. After all, justice is given by the judge and I do not think it is fair to suggest that the crown attorney, the permanent appointee, is going to spare them in his prosecution. However, if we could do without these from time to time, these interim occasions, we would. But the situation is such that that is not possible at the moment.

Mr. Lawlor: You then concede that it is really an undesirable practice? The exigencies make it necessary for the time being?

Hon. Mr. Wishart: Not so much that it is undesirable. I would like to feel that into my department come those who are continually and continuously serving the administration of justice as their vocation; not spending 90 per cent of their time on their own objectives.

Mr. Chairman: Mr. Lawlor, you had another matter you wanted to bring up.

Mr. Lawlor: The other matter that I had: Is the Attorney General aware of an article published in the *Globe* magazine in January, this year, which is called "The Prosecutor"? It is excerpts from "The Prosecutor", to be published this month by the University of Toronto Press, in which a host of, perhaps, somewhat invidious statements are made, touching the office, the role and the way in which they exercise their functions, by the crown attorneys of Ontario, in area after area. The contentions here have something to do with what I was speaking about before, but in a much deeper way.

In other words, the contention here is that defence counsel make deals with the crown attorneys. Certain defence counsel become well known to the crown attorney. In line with the statement by Mr. W. B. Common, when he was director of public prosecutions, the quotation reads:

In all criminal cases there is complete disclosure by the prosecution of its case for the defence.

To use a colloquialism, there are no fast ones pulled by the Crown. The contention here is there are fast ones pulled by the Crown, but with these people who are prepared to bargain, to take what they call their quota of guilty pleas and plead guilty, or to reach accommodations on sentencing, on pleading to lesser offences, and the business of withdrawal of charges, that in that case full disclosure is available, is even welcome.

But what of the case of a lawyer who fights it straight, who does not ask for any favours at all, will not plead guilty—damned if he is going to plead guilty, he is not guilty in the context and will take his chances? Full disclosure is not made by any means; all kinds of things are held back. In this situation far greater emphasis and weight is placed upon by the prosecuting counsel to getting the full measure of the law, not only in terms of the prosecution itself, where he will not hold back. In some cases it is suave and in some cases it is merciful not to make full disclosure, and when sentence comes he will not in any way exercise a certain leniency or discretion in this regard. In other words there is a punitive reciprocal relationship here.

Hon. Mr. Wishart: In the long run—

Mr. Lawlor: Do you know this article?

Hon. Mr. Wishart: Yes, I read the article and I am looking for the book. In the long run playing it straight is the best way to play it, if my experience means anything.

Mr. Lawlor: Straight is the best way to play it, right, but the contentions are it is not straight.

Hon. Mr. Wishart: Well, play it that way—straight. In the end the results are better.

Mr. Lawlor: Would you censure, or call on the carpet, a crown attorney who did not play it straight in this way?

Hon. Mr. Wishart: If I knew.

Mr. Lawlor: If you knew?

Hon. Mr. Wishart: Yes.

Mr. Singer: What does “playing it straight” mean specifically?

Hon. Mr. Wishart: I was thinking of defence counsel who thought it out all the time. That is the way the member for Sudbury plays it, I would take it.

Mr. Sopha: Let me get into that one then.

Mr. Chairman: Have you finished, Mr. Lawlor?

Mr. Lawlor: Yes, I have finished for the moment.

Mr. Chairman: I am sorry, Mr. Renwick is next.

Mr. J. Renwick: I am going on to another matter.

Mr. Chairman: All right. I will put you down at the bottom of the list on this discussion. That will be first thing tomorrow.

Mr. Sopha: Mr. Chairman—

Mr. Chairman: Mr. Sopha.

Mr. Sopha: The Attorney General made it quite clear a few moments ago, beyond any ambiguity at all, that he had not made a recommendation to the cabinet in respect of the appointment of a crown attorney to the vacancy in the county of York. He said to me that “I am speaking exactly”—and at that point his supporters at the back table burst into a giggle, which stimulated me to go out and get the record. I now have it and I want to read what occurred actually on April 14.

Hon. Mr. Wishart: It is a report of what I said. Read it.

Mr. Sopha: Page 1474, the following exchange takes place. And, for historians of the future, this ought to be a significant passage because it is the first evidence that I have had in 11 years of a cabinet leak—a breach of cabinet secrecy. But we will see who the villain is, who the leak is in cabinet, at the end of this.

Mr. E. W. Sopha (Sudbury): I would like to ask the Attorney General, because it may have some relation to my constituency, a three-part question. How long has the office of crown attorney in the county of York been vacant? Secondly, is the appointment to be made soon? Thirdly, is W. H. Langdon, of his department, the likely person to be selected?

Hon. Mr. Wishart: What was the last part of the question?

Mr. Sopha: The minister has been at war with the Langdon family lately, and I am asking if the nephew of the judge the minister has been at war with is the likely prospect for the job? Do I disturb the minister?

Hon. Mr. Randall:—

I do not know how he got in it.

—Does the member want the job?

Hon. Mr. Wishart: Mr. Speaker, the office has not been vacant, in the sense that nobody has been in charge at all. As soon as Lloyd Grayburn, the former incumbent of the office, was promoted to the bench, I asked the senior crown attorney of Ontario, Mr. Sam Caldbick, well known to the hon. member for Sudbury, to come to Toronto and to take charge of the office. I felt that with his experience, the great respect that is shown to him—and which he deserves—and his knowledge, he would be the most likely person, the most capable person for that office. He is still there. I am not sure what right the hon. member has to ask me when I am going to make the appointment, but I think I shall tell him that just a few moments ago I signed the recommendation to cabinet for the appointment.

Hon. Mr. Wishart: I signed the recommendation.

Mr. Sopha: Do not indulge in casuistries.

Hon. Mr. Wishart: I did not say who it was either.

Mr. Sopha: Just note this next interjection.

Mr. Sopha: Well, who is it?

Hon. Mr. Wishart: I am certainly not going to tell you.

Hon. Mr. Wishart: Right.

Mr. Sopha: Get this. Are you ready? Note this.

Hon. Mr. Roberts: We might not accept his recommendation.

Hon. Mr. Wishart: Quite right.

Mr. Sopha: The cabinet leak.

Hon. Mr. Wishart: Right. Carry on.

Mr. Sopha: To continue:

Mr. Sopha: If the minister tells me, I will not tell anyone.

Hon. Mr. Wishart: Mr. Speaker, I am certainly not sure that hon. member has the right to ask me that but he was guessing fairly close.

Hon. Mr. Wishart: That is what I said. You were close to the mark, but you were not on it.

Mr. Sopha: Now what is he telling us? You signed the recommendation, but you never mailed it?

Hon. Mr. Wishart: I did not say that.

Mr. Sopha: Did not send it? Do not kid us.

Hon. Mr. Wishart: Exactly what I said.

Mr. Sopha: Do not kid us. The recommendation went to the cabinet, sure it did, and was kicked out. The first cabinet leak that I have been aware of—

Hon. Mr. Wishart: Well, you can kid yourself.

Mr. Sopha: The first breach of cabinet secrecy.

Mr. Chairman: Mr. Singer.

Mr. Singer: Yes. I thought a few more remarks about this so-called “fixing” could and should be made. The Attorney General will recall that when we got the new sections of the code, the ones that the Supreme Court of Canada are presently considering, some of us were a bit upset that it seemed to be police practice that a man would be charged with either refusing to take a test or having a reading over 0.8 and, at the same time, be charged with driving while ability was impaired. That was the police playing it pretty safe. If case one did not work, then the other would.

The Attorney General expressed some displeasure at that and to some extent, at least, that practice was stopped, because we have a new one now. I am defending a fellow now and we are going to keep on adjourning the case until the Supreme Court of Canada has made up its mind, but he has been charged with having a reading over 0.8 and at the same time is charged with dangerous driving. There is as much evidence of dangerous driving in that—well, there is not any, in my opinion, in any event—

Hon. Mr. Wishart: Well, that is your opinion.

Mr. Singer: Well, all right. I see nothing wrong at all in speaking to the crown attorney and suggesting that, in my opinion, the case was awfully weak in that one, and in the event the Supreme Court of Canada decides—or in the event that it does not—that this is a valid section of an invalid section, that we forget about the dangerous driving because we all know why it is there. It is there as a stopgap to the police to scare the devil out of the accused when really the offence, if any, was driving when the reading was over 0.8.

I think it is quite proper, logical and the right thing to do for defence counsel, in that case, to go in and tell the crown attorney what his duties are and to suggest that if he has charged him under a valid section, we are delaying that until the Supreme Court of Canada makes up its mind. Okay, we will plead guilty on that because they have got him. He did have a reading of over 0.8 but, by the same token, take off the dangerous driving charge because there is nothing in it. I will not even mention the crown attorney or where it took place or when because you might want to have a word with him.

But that crown attorney knows what he is about. He read over the dope sheet in my presence and shook his head. I am quite sure that that is exactly what is going to happen. I think that man will be getting a proper defence on the basis that, if the Supreme Court of Canada says that section of the Criminal Code is wrong, then the man will be found not guilty of the 0.8 charge, and there is no evidence on the other one.

I do not see that one can put down a blanket rule either, as the member for Lakeshore was attempting to do, or perhaps it might be implied from some of the comments. I think defence counsel has the duty and the responsibility to examine fully all of the charges that are brought against his client and, if the occasion warrants it, to go in and discuss them with the crown attorney, in a businesslike way.

I have done this on many occasions and I am sure most lawyers who appear in criminal cases have done the same thing. So to say that arrangements by themselves are bad and are harmful to the course of administration of justice, I just do not accept, Mr. Attorney General.

Mr. Chairman: Mr. Lawlor.

Mr. Lawlor: Mr. Chairman, that was not quite what I meant to say whether I said it at all. The contention being made in the article to give the exact words is:

The foregoing suggests that the prosecutor views pre-trial disclosure pleas to lesser charges and the withdrawal of charges as favours to be exchanged with certain defence lawyers. These favours will not be available to defence counsel who are abrasive or demanding but will be available to those who have proven themselves part of a trustworthy social grouping. The failure on the part of a defence lawyer to reciprocate

cate by entering a proportionate number of guilty pleas results in loss of trust and, ultimately, in exclusions from further exchanges and an immediate decline in the social status among the prosecutors.

Mr. Singer: Well, if that goes on, I share the condemnatory opinion of the member for Lakeshore. But I am not familiar with that. Certainly in the county of York, the social status either of defence counsel or crown attorneys, because there are so many of them, really is not that important, I do not think.

There is—and I am sure my friend from Lakeshore will recognize it—a long line of criminal cases that has established the precedent, in sentencing, the court should take into consideration the fact that an accused has pleaded guilty and saved the time of the court. This is a fact that often is argued by a defence counsel as a very important matter. So the blanket statement about deals and talking in advance, and so on, if it is along the line I was referring to earlier, I see nothing wrong with. As a matter of fact I think it helps the course of the administration of justice.

If the second phase of it that the member refers to is practised—and I do not know of it—I would agree in his condemnatory remarks.

Mr. Lawlor: Do you think there is anything particularly to gain? My experience is that there is not, on the whole, much to be gained by pleading guilty. At the end of the day, pretty much the same sentence emerges one way or the other. You may as well fight it.

Mr. Singer: As you study some of our provincial judges who sit in the county of York, I say that, on occasion, not all of them are that patient.

Mr. Sopha: The converse of it, if I may say to my friend from Lakeshore, Mr. Chairman, through you, is that the person who pleads guilty, as my friend from Downsview has said, and saves the public expense and the time of the court, frequently gets a concession. But the person who pleads not guilty and then occupies the time of the court for 1½ hours in mendacity, frequently is more harshly dealt with. In the fullness of things I sort of agree with justice of that nature. Having told a whole series of lies, he is scarcely entitled to as much compassion and mercy when the time comes for sentencing.

Mr. Singer: The Supreme Court of Canada said that on several occasions.

Mr. Sopha: Yes, well I want to say another thing about this. Experience teaches that the Crown is more inclined, in recent years, to let you have a look at the brief. Few of them hold it back and will not let you have a peek at it. Many of them, of course, will give you copies of the statements made by witnesses so you will know what to meet. The practice is increasing—to save the time spent on preliminary inquiry and in calling witnesses—whereby counsel is supplied copies of, or paraphrases, or summaries of the evidence to be given by witnesses.

Hon. Mr. Wishart: That is a good practice.

Mr. Sopha: Then another practice that is very salutary and should be encouraged by the law officers of the Crown is that access to the police should be endowed with greater facility. Defence counsel should be encouraged to call up the police to ask them what they have against the fellow and have them tell you—

Hon. Mr. Wishart: That prevails pretty well, does it not?

Mr. Sopha: That is very widespread.

An hon. member: Up to a point, but they are far worse than crown attorneys.

Mr. Sopha: Well policemen vary.

Let us go to another side of it. I have always been opposed to those consultations that you see occurring around counsel table at 9:50 in the morning among lawyers unsure of themselves—in fact, frightened to be there. Many of them, with the crown attorney for the day, engage in hurried and somewhat frenzied conversation for the purpose of making deals. Instead of careless driving, they want following too closely. I sat dumb-founded one day when a fellow charged with careless driving pleaded guilty to following too closely and what he had hit was one of these stationary islands on the boulevard.

Hon. Mr. Wishart: He was so close, he could not see it.

An hon. member: It was moving!

Mr. Sopha: It was moving—to him all right. That is one side that I look on with a good deal of disfavour.

The crown attorney, I have always said, best serves his people who says, "It is up to

the judge; let the judge decide. Do you want the charge reduced? If the judge says it is okay, that is all right with me. I will not oppose it."

The other thing that I am even more bitterly opposed to is this high court justice who arrives in town and, faced with a big list of indictable offences, immediately has everybody into his chambers to discuss deals. The crown attorney, I have always maintained, has no business being there, or entering into any agreement to defeat the jury's right from hearing the indictment that the grand jury has passed upon.

The grand jury has found a true bill and the petty jury has the right to hear that indictment and I maintain that nobody, except in clearcut cases, absolutely clearcut cases, has the right to stand between that accused and the jury, to try them. It is up to the jury. Mark you, there is nothing in the Criminal Code that permits a high court judge to hear an offence under section 413, is it?

Some hon. members: Yes.

Mr. Sopha: Section 413. Nothing permits him to find a verdict, only a jury. I think I am correct in that; only a jury may find a verdict against the accused. In this business of manslaughter or murder—it frequently occurs there—they begin to discuss: "How do you feel about a little plea of guilty to manslaughter?" And so on. You know, if it is manslaughter: "Well, what about a plea of guilty to wounding?" Criminal negligence causing death—193, is it? That is the number for "Onward Christian Soldiers."

Mr. Lawlor: That is a United Church hymn. Where is the hymn book?

Mr. Sopha: They want a plea of guilty to dangerous driving. It is a way of disposing of the list.

Hon. Mr. Wishart: That is a favourite legal tack.

Mr. Sopha: Well let me tell you that on occasion, when this has happened, I have seen letters to the editor in the local press. In a particularly flagrant case the community was sort of waiting to see how this fellow would be disposed of and then they read that he had been allowed to plead guilty to a lesser offence and there was something of a public outrage, as there should be.

We are all aware—my final words—of the intense interest that people prosecuting a civil suit have in the administration of the criminal

justice. They tie the two together. They want to see the fellow whom they are suing dealt with severely in the criminal courts, first. Then they get at him and his insurance company and frequently they come in and complain when they think he was guilty of the most flagrant conduct in the operation of his motor vehicle and they see where he has been convicted of failing to yield half the road. Then they say, "How come? How does that occur?"

The law officer of the Crown, I advocate, should issue instructions to his subordinates, out in the boondocks that brooked no deals. Police officers lay the charges. You look at it and, if there is merit to the charge, you proceed with it. The responsibility is up to police officers, always with that discretion in the crown attorney to intervene in a case where it is clear that (a) there is no case, or (b) there are other good social reasons for intervening. I can cite one, so I will not be left talking in generalities.

The girl has charged the fellow with rape. Subsequently she marries. We had one at the last assizes in Sudbury where she married the guy she had jailed. That ended that case. A preliminary inquiry is a traumatic experience for the girl. She gets married and she comes forward and she says, "Look, I do not want to go through with this." The ultimate responsibility is the Attorney General's, because he must issue the *nolle prosequi*, and that type of thing. But, otherwise, I would like to see his people just play her straight down the line, because, remember this, you are safer in dealing with these fellows if you make no concessions to them and ask none from them.

Mr. Chairman: Mr. Yakabuski.

Mr. Yakabuski: Mr. Chairman, I have time for one question. Outside of the wheeling and dealing that the defence counsel and crown attorneys do, I have a question I think—

Hon. Mr. Wishart: You were not listening.

Mr. Yakabuski: —of current interest for the Attorney General with regard to 0.8 readings and those unfortunates who have been picked up in recent weeks. Are these now being remanded or put off until a ruling comes through from the higher courts? Is this what is happening?

Hon. Mr. Wishart: Yes, practically all of them.

Mr. Yakabuski: Will none of them be dealt with until such time?

Hon. Mr. Wishart: Yes, that is right.

Mr. Yakabuski: Is that the instructions—

Mr. Singer: Are there no crown attorneys or courts accepting guilty pleas? I heard of one the other day. I was not in court.

Hon. Mr. Wishart: I said practically all. I think the rule is that once—

Mr. Yakabuski: When do they expect this decision?

Hon. Mr. Wishart: The Supreme Court of Canada should not really take long, if I may say so with respect—

Mr. Yakabuski: Have they gone on vacation, or are they going?

Mr. Chairman: Mr. Renwick, is your question on 902?

Mr. J. Renwick: I have some more on 902.

Mr. Chairman: Fine. Then, gentlemen, we will adjourn at 10:30 of the clock, not having completed vote 902, to reconvene tomorrow afternoon at 3:30.

The committee adjourned at 10:30 o'clock, p.m.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, June 9, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 9, 1970

The committee met at 3:35 o'clock p.m. in committee room one, Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND THE ATTORNEY GENERAL (continued)

Mr. Chairman: Gentlemen, we will call the meeting to order. Are their any substitutions from the Liberals or the New Democratic caucus? Gisborn, substituting for whom?

Mr. R. Gisborn (Hamilton East): Deans.

Mr. Chairman: Mr. Deans. Well, we know Mr. Shulman will not be here but he is not a member either. Mr. Deans then. Carruthers substituting for Dunlop and Kennedy substituting for Johnston.

An hon. member: The committee is changing its face every day.

Mr. Chairman: It sure does. Gentlemen, we were on vote 902 and when we adjourned Mr. Renwick had the floor, but Mr. Renwick is not here so who would like to lead off discussion? Mr. Lawlor.

On vote 902:

Mr. P. D. Lawlor (Lakeshore): I want to talk about grand juries under 902. Why not, it is as good a place as any.

Mr. V. M. Singer (Downsview): I believe that is under 904.

Mr. Chairman: Courts administration, 904.

Mr. Singer: You cannot have juries out of court.

Mr. Chairman: I think it falls properly under 904, Mr. Lawlor.

Mr. Lawlor: All right, I am quite content.

Mr. Chairman: Any further discussion on 902?

Mr. Singer: Yes.

Mr. Chairman: Mr. Singer.

Mr. Singer: I was wondering if the Attorney General (Mr. Wishart) has any opinion on the use of police as prosecutors? We have complained about this practice for many years in the past and it has diminished to some extent but it is still being used. There is a pretty widespread opinion among all those who have studied it at all that the police power and the Crown power should be separated, and I think that this connection should be done away with. I do not like going into court—mind you, with minor offences—and seeing policemen there acting as prosecutors. I think it is wrong.

I have a document here which is an extract from the Royal Commission on Police Powers and Procedures in the United Kingdom. It is an old one. The inquiry took place in 1928. Sir Archibald H. Bodkin, the director of public prosecutions at that time, was being examined. There is just one part I want to quote from his evidence, which I think pertains today:

In my opinion, it is undesirable that investigators into a crime should also be advocates presenting the circumstances of that crime to a court.

That is it. It is something that has been complained about for many years and something that we will have with us, unfortunately. I would like to get the Attorney General's view on that.

Hon. A. A. Wishart (Minister of Justice): In spite of that royal commission inquiry in Great Britain, the practice is very widespread, very common there and apparently well accepted, too.

Mr. Singer: The police would accept it, yes.

Hon. Mr. Wishart: And the public. They regard it as the way to do it. We do not have police prosecutors of crimes in this country at all. They prosecute the minor offences—traffic and liquor cases. I think those are—

Mr. Singer: Those are crimes; they are offences under the provincial statutes.

Hon. Mr. Wishart: Provincial statutes.

Mr. Singer: All right.

Hon. Mr. Wishart: They are not crimes in the sense that they are in the Criminal Code at all.

If it were desirable, and perhaps it is desirable, that we take the police away from that altogether, it would mean a tremendous necessary increase in crown attorneys if we had to staff our courts to take care of those situations. That is one consideration. In some of the larger areas, I think assistance is given here, but we have not been able to contemplate removing the police from this area of service. I am not sure that there is so much to be said for it as Sir somebody Bodkin suggested, and they did not follow his—

Mr. Singer: Archibald. Archibald H.!

Hon. Mr. Wishart: Yes, and they did not follow his recommendation or the recommendation of his commission.

Mr. Singer: Whether they followed it or not, one can be just as guilty of a breach of a provincial statute as one can be of a section of the Criminal Code. And the effects can be equally serious, particularly in this day and age where we have a lot of juvenile offenders, youngsters who get involved in breach of some of our liquor laws, drinking under age and that sort of thing. Some of them are driving offences set out in The Highway Traffic Act. It would seem to me that there is a suspicion directed at the whole law enforcement procedure whereby policemen are prosecuting and policemen are giving evidence. One cannot escape the insinuation that the whole thing is not quite as impartial as we would like to think it should be. It gives that appearance, in any event.

Hon. Mr. Wishart: I have mentioned the impossibility of doing it with our present staff of crown attorneys. Another factor I think would be that you would not be able to keep your crown attorneys if you kept them on summary conviction work. You would probably have to get certain special people. In any event, it would mean a substantial increase in staff to do that work.

I do not believe that there is such a public feeling against the police doing this type of work at all. I have been in court a good deal, and seen the police carrying it on. What the police do in these provincial offences, is to read the charge and call the police or whoever is going to be giving the evidence; it is usually a police officer's evidence. I think that the person who is brought in on that sort

of offence expects the policeman is going to be there prosecuting anyway, in the sense he is going to be a witness for the prosecution, and to merely have a policeman managing the court to the extent that he sees these cases forward, I do not believe really affects the public mind a great deal.

Mr. Singer: I am sorry the Attorney General does not grasp the significance of this.

Hon. Mr. Wishart: I grasp it but I do not believe it is bad.

Mr. Singer: I think this is a very very bad thing. Certainly from the Attorney General's remarks, he is worried mainly about cost.

I was talking yesterday about the shortage of crown attorneys here in York county and the terrible state to which we have got when we had to bring Mr. McCulloch in to be crown attorney for both Wentworth and York and look after 50 per cent of the cases. I suspected, and I said at that time, that perhaps cost has something to do with it, and I offered to back the Attorney General if he wants more money for crown attorneys.

But I think this is a very important principle, relating to the fairness and the appearance of fairness in the administration of justice. I do not think that this impression is created if policemen are prosecuting in quasi-criminal matters.

Mr. Chairman: Mr. Bullbrook.

Mr. J. E. Bullbrook (Sarnia): I want to go into, at some length, the crown legal services, and in doing so, I want to digest some of the comments and observations made by the recent grand jury in the county of York. I do not intend, under this vote, to deal with the remarks of the Attorney General in response to my questions in the Legislature that were put to him on April 8, 1970, dealing with his comments on the grand jury itself. I recognize that that comes under another vote.

But I want to deal with some of the comments made by the grand jury about the adequacy or otherwise of the crown attorney's office in the county of York as they see it. I want to say to you, Mr. Chairman, that I believe that they exemplify a very objective non-professional viewpoint which I think should be, really, the searchlight to guide the Attorney General and to guide us in opposition in connection with our evaluation as to the adequacy of this branch of law enforcement and the administration of justice.

The grand jury report was filed to His Honour Judge Martin on March 13, 1970. It is executed by seven members of that jury. On page two of the report under the heading "Problems in Crown Attorney's Office" it reads as follows:

The jury became concerned regarding the number of remands and acquittals—33 per cent acquittal rate on tests of 190 cases as disclosed in the second paragraph of page 12 of the 1969 Ontario Legal Aid Plan annual report. Result: A visit to the crown attorney's offices and an examination of records.

OBSERVATIONS

1. Inadequate number of crown prosecutors, 26. Relatively no change in number since 1967.

And the grand jury goes on and points out true bills brought in by the grand jury—1967, 389; 1968, 715; 1969, 721. I point out to you, Mr. Chairman, an elevation of true bills in three years from 389 to 721 without any elevation of the number of staff in the crown prosecutor's office.

Mr. A. R. Dick (Deputy Minister): An increase.

Mr. Bullbrook: I am sorry? Increase.

I read again:

Since the implementing of legal aid, the Crown's load has been considerably heavier. At the magistrate's level, courts are operated on a crisis basis daily, uncertain as to whether there will be enough assistant crowns to man the courts.

Again, sir, if I might, this is a lay group speaking to us; this is an objective evaluation of what is going on in the courts of the county of York daily. This is not the Attorney General or his staff looking at it. These are people who are drawn from the public without any prior knowledge, as we can see it, and who have no particular axe to grind or otherwise. It is the community speaking, which is traditional.

When we get to grand juries—and I am sure this is the intent of the hon. member for Lakeshore—I want to talk about the Attorney General's attitude as to what the function, duty and responsibility of the grand juries is.

Mr. E. W. Sopha (Sudbury): His response was most irresponsible.

Mr. Bullbrook: Right. I almost threw it out, it is an amazing response. That is why

on April 8 I registered in the Legislature a series of 10 questions. In fairness to the Attorney General no answer has been given to that, but I must report in the annals of this House, in fairness to him, that there was some confusion as to whether I should have put it on the order paper or not.

Hon. Mr. Wishart: I do not have any confusion in my mind. I directed it to the order paper. My answer was: "Mr. Speaker, perhaps it would help if I would accept the question and ask it be directed to the order paper." That had never been done, and I am not being critical of the hon. member. I think we have had some chats about it. But I can tell him, although we have not reached vote 904, I have all the answers.

Mr. Bullbrook: Yes, I know you have. You see, I want to be fair to you. What gets our backs up here is when you are not fair to us. We bend over backwards. I want to be fair to you, there was some confusion there.

Hon. Mr. Wishart: It is still not on the order paper.

Mr. Bullbrook: The fact of the matter is you permitted me, and so did the Speaker, to continue to register those questions *viva voce*. Those questions are lodged in *Hansard*.

Hon. Mr. Wishart: Yes.

Mr. Bullbrook: All right. To put it on the order paper in my respectful opinion is purely a duplication of effort; but the questions are there, Mr. Chairman, and I do not want to waste your time or the time of our colleagues over that. My point is that I wanted to point out in fairness to you they have not been replied to but there was some confusion as to whether they should have stood on the order paper or not. But the main purpose of our comments today is, as I say, to let us see what the public is saying about the adequacy of the crown prosecutor's office. The first thing they pointed out is an increase in the number of true bills resulting from preliminary hearings in the period from 1966, that increase being from 389 to 721. I do not expect the reply of the Attorney General now.

One wonders that because of the additional burden created thereby—an almost 100-per cent increase—how you can continue with an establishment of 26 crown prosecutors. It is going to do either one of two things: drive those dedicated young men somewhere else, or not properly administer justice when you

have a 100 per cent increase in the volume of work.

Of course, for the laymen on the committee, if I might presume to do so, Mr. Chairman, I point out that the return of the true bills in effect envisages the necessary preparation for a complete trial with jury in many circumstances. These are much more onerous circumstances than the normal duties of a crown prosecutor in his day-to-day routine before the provincial court criminal divisions.

I continue on page 2. The grand jury reports to His Honour Judge Martin further:

2. Salary structure. Inadequate salaries paid in relation to education requirements. Much higher salaries could be obtained in private practice. This office seems to be a training ground for defence counsels as the following figures would indicate: Average age 31 years; average number of years as lawyers 4.3; average number of years as prosecutors four years. Seventy-seven per cent average only two and a half years experience as prosecutors and 12 out of 26 assistant crown attorneys have barely over one and a half years as prosecutors. Salaries are standardized according to number of years service and not according to merit.

These are the words, sir, if I might, of the grand jury and which have been responded to. As I put them forward, I do not always agree with everything they say. Some things are truly from a lay point of view of which they did not have adequate knowledge and are easily refuted, but they continue to make these points:

Approximately \$33,000 is paid annually to *per diem* crowns. An assistant crown attorney wishing to obtain subscriptions to *Canadian Criminal Cases and Criminal Reports* must personally pay approximately \$200 per annum.

3. Office facilities: Inadequate number of private offices for assistant crown attorneys. Offices small in many cases and filing cabinets cannot be placed therein.

4. Library: Library inadequately stocked in the York county courthouse for the number of courts in session.

5. No books available relating to dates of custody, date of offence, date of committal.

6. No QC on crown staff.

Let me interject there, for example, another response by the Attorney General in this connection. That of itself is not a significant argument—no QC on crown staff, having

regard to the validity of that appointment in many circumstances. I think the point they are making there is that as lay people they are relating the talents of the individuals with his ability to inscribe behind his name the QC designation.

Mr. Sopha: If anything, they are likely to be more competent.

Mr. Bullbrook: This is the point they are making. Perhaps I make it inadequately myself.

Mr. Sopha: No, the converse is more likely true, if you do not have the QC.

Mr. Bullbrook: Oh, I see. Yes, well, it might well be.

7. Assistant crowns often spend six successive weeks prosecuting in one court.

That cannot be helped in some circumstances. If you have a trial of some duration there is nothing that can be done about it.

8. Four more jury courts are opening in April, 1970, in York county.

9. Crowns are not involved in the screening and charging process in serious offences. Inadequate preparation by assistant crown attorneys at the preliminary inquiry level.

The Attorney General does speak about this afterwards and I am going to read from his reply. I think in this connection this is a most significant observation by the grand jury, and one worthy of us digesting again.

Crowns are not involved in the screening and charging process in serious offences. Inadequate preparation by assistant crown attorneys at the preliminary inquiry level.

Mr. Chairman, they do not dream these things up, you see. They do not go in there and have some psychic experience that forms the foundation for that particular allegation by a group of laymen. They must have spoken to somebody. They must have observed. This is the key that I think lies in the entire observations of this grand jury. One would presume that they spoke to crown attorneys and one would presume that this reflects perhaps a sense of frustration on the part of some of the crowns themselves.

Hon. Mr. Wishart: Mr. Chairman. This perhaps is a little unprecedented but I have received a message about a very urgent matter that requires immediate attention and decision. I think I could dispose of it in five minutes. I would suggest perhaps we take five minutes.

Mr. Chairman: Shall we adjourn, then, until four o'clock?

Hon. Mr. Wishart: I will be very short.

Mr. Chairman: All right.

The committee reconvened at 4:25 p.m.

Mr. Chairman: The minister has now returned and I will resume the meeting. I think Mr. Bullbrook had the floor when we adjourned.

Mr. Bullbrook: Thank you, Mr. Chairman. I was reading from the comments and now I am on page three of the report of the grand jury of the county of York. I had got to item 10 on page three which reads:

10. No duplicate or original information sheet compiled by detective laying charge remains in file. Original copy is not returned to crown by police until approximately one hour before the preliminary inquiry or trial in provincial judge's court.

11. One assistant crown handles the task of collating the work of county jury courts.

12. Little or no training for new assistant crowns before placement in court.

Before getting into the recommendations, I just want to say this: I am not really vitally interested in the question of salaries or the question of internal details such as the collating of county jury work. This has been dealt with by the Attorney General in his response.

RECOMMENDATIONS MADE BY THE GRAND JURY TO HIS HONOUR.

1. Additional staff should be hired immediately in order to catch up on the backlog of cases and to staff new courts. The hiring of more assistant crowns would also provide more study and research time for all prosecuting assistant crown attorneys.

If I might personally interject. I have gone into this somewhat myself, and I am told one of the hardships that they continue to work under is the fact that they do not have adequate time, as do defence counsel, to research the particular cases that they are involved with and the factual and legal situation relative thereto.

I am not propounding as the grand jury seems to propound here in discussing, Mr. Chairman, the question of the moneys expended on legal aid and the salaries paid

for crown attorneys. But the function of the Attorney General is to create some type of a completely equal system. This is impossible. We are not fair. Our adversary system of justice has in it some inherent difficulties such as the lack of equality of talent between counsel in any case. I doubt if we ever are happily served with the circumstance that we have two counsel of completely equal ability before the courts. I am reading again:

Additional staff would also lead to better indoctrination of new assistant crowns.

2. Drastic improvement in salary scale necessary in order to attract and keep the top law students in York county. Salary increment should be based on both merit and dedicated service and should be such that all crowns would be above reproach. Fees paid to per-diem crowns should cease and money used for salary purposes. The Attorney General's office should pay for the supply of periodicals referred to in order that all assistant crown attorneys may keep up to date.

As far as the salary schedule is concerned, I think there is some merit in the comment made by the grand jury as to the elevation of those salaries. I think there is merit in that, but I do not think that we could ever get to the happy day when we are paying the crown attorneys adequate to their responsibilities and in some cases their abilities. The Attorney General made reply to this that it is part of the profession that you are paid for your dedication to a certain extent and this, of course, is part of the total public service.

All public servants, I would suggest, or a great number of them, are not paid concurrent with their responsibilities and their duties. The point I want to take issue with—the Attorney General might wish to make a mental note of this—is that I do not think there is any validity in his proposal as to the seven levels of salaries, and that really these crowns are paid concurrent with their individual merit and enterprise.

I am told that yesterday you had the reply to my colleague from Downsview that 22 of the existing 30, three below the complement envisaged by the Minister of Justice, are paid the same salary and that leads me to believe—

Hon. Mr. Wishart: No, not all paid the same salary.

Mr. Singer: They are in grades 1 and 2, the two lowest levels.

Mr. Bullbrook: The two lowest levels! The fact of the matter is that of the present complement at the time of the report of the grand jury five of the seven levels were presently being utilized. In other words, when you say you have 33 crown attorneys and you say you have got seven levels of salaries to pay them, that in itself negates the very thrust of the Attorney General's remarks that we pay them on individual merit. I do not think so.

The Attorney General, Mr. Chairman, might come back to me and say: "Well, we have to have some salary framework." There is some validity in that, but I really do not think they are paid on individual merit. They are paid on the basis of some evaluation made by some people which categorizes that merit. I hope that the Attorney General and the members of his staff see the distinction that I make therein. It is not individual merit. It is the individual merit within applied category strata. That is the point I am making.

Now continuing:

3. Private offices are a necessity for each crown attorney in order that he may have privacy in the preparation of his cases.

That is a thing that would speak for itself. The Attorney General might want to comment on this. One would hope that they do have adequate privacy in connection with the preparation of their cases.

4. Two or three complete sets of law books should be purchased as soon as possible.

I do not really know what that means. I know that the Attorney General in response said that—I think he used the word "outstanding"—they have an outstanding library there. Outstanding yes, The grand jury in its limitations did not recognize it as such. It is one thing to say that you have an outstanding library. That, again, is kind of a subjective analysis and one wonders whether they are not saying, in effect, "We need two or three outstanding libraries," because of circumstances that they see arise.

Mr. Chairman, I want to put before you again the fact that the reason I read these things and at the same time take issue with some of the recommendations and thoughts of the grand jury is basically this: These are the thoughts of lay people. That is the paramount consideration here. I am lodging in the records of this House almost this entire document for that purpose. What I want to convey to the Attorney General in my re-

spectful opinion is that he has devoted himself in his reply to an exercise that, in effect, says that the grand jury overstepped its traditional functions. Right? To my way of thinking, Mr. Chairman, this is of no importance at all. Even if the jury did over-step its traditional function, I would hope that The Department of Justice would have looked at this and said, "Notwithstanding such overstepping, I think there is something that we must look into here".

Mr. Sopha: What we ought to do is express gratitude to them.

Mr. Bullbrook: One would think that. One would think that. I agree with my colleague from Sudbury.

Now they continue on item 5:

5. The following record books should be kept in the crown office: date-of-custody book; date-of-offence book; date-of-committal book.

Seven—I skip six which says "no comment."

7. Three successive weeks maximum by assistant crowns prosecuting in jury courts in order to be mentally alert for each trial.

One can see, as I mentioned before, that there might be trials in which a crown is involved that last more than three weeks so that that particular recommendation, taken on the face of it, sometimes might not be necessarily functional.

Of course, again, the purpose of the recommendation is inherent and obvious and that is that they feel that after the rigours of a jury trial or jury trials for three weeks they should be taken off and given some relief.

8. Additional staff required due to opening of new courts.

9. There should be better liaison between police and assistant crowns regarding the laying and screening of charges. Presently the police determine the charge in most cases. The relationship of the crown office to police is vitally important.

The Attorney General in his comments on page 17 of his reply, which was dated March 19 in connection with questions posed by other members of the Legislature, said he entirely agreed with the fact that there has to be liaison. He says, in point of fact, that there has been liaison in the past. He says, and I quote:

However, I cannot conceive that it is the responsibility of the crown attorney or his assistant to review and supervise the laying of charges and the screening of

charges at the stage contemplated by the grand jury.

He might be right. I am not sure. I have given it some consideration myself and I would like to say that I do not think I agree with the Attorney General there. One can understand in the laying of a careless driving charge the law relative to the factual situation is so broad—and I use this purely as an example—that I do not think we should burden a crown attorney with deciding whether a certain set of circumstances involves the necessity of a prosecution for careless driving or not.

I really do feel that I want to take issue with the Attorney General in connection with the responsibility of the crown because of this. I really think that the public would be better served, Mr. Chairman, if crowns were burdened with this responsibility a little more often. Frankly, I think there are too many charges laid in the province where there is not sufficient evidence to warrant the prosecution; that on a preliminary perusal by a crown attorney there would not be sufficient evidence to establish a *prima facie* case. So that the change of policy of the department in this connection, relative to, for example, criminal offences under the code, might be an advantageous thing as far as the public is concerned.

I am not too concerned about the public purse, but one could comment upon the public purse, because every time a charge is laid there is the concurrent cost responsibility on the public at large and the concurrent cost responsibility on the accused.

My main concern is the fact that I brought to your attention, Mr. Chairman, the increase in the number of true bills. Let me bring to your attention, if I may, the county court judges criminal court cases tried each year from 1964 to 1969.

I will shorten it by saying this to you, Mr. Chairman. In 1964 in the county of York there were 157 criminal cases tried in county court. Last year there were 639. That is an increase from 157 to 639. I want to know if justice is properly being served, why there has not been an appropriate elevation in the staff requirements in the county of York? That is almost a five-fold increase. I know as a matter of fact that the staff of the crown's office has not quintupled since 1964.

Hon. Mr. Wishart: It is almost exactly four times.

Mr. Bullbrook: Four times? I am interested, actually, in the staffing that took place in

1964 of the crown attorney's office in the county of York as opposed to 1969. I put forward on April 8, 1970, questions before the order of the day that we referred to before. I would like to record them again. Certain of them refer to this question—the total aspect of the adequacy of the crown attorney's offices in the county of York.

I think we should mention, Mr. Chairman, if I might, also that one does not know the application of these statistics outside the province. I cannot tell. I would be more than inclined to think one would have to assume, of course, the situation in the county of York is more severe than anywhere else in the province as far as the elevation of true bills.

I do not have the information on the elevation of criminal courts cases and the elevation of jury cases. I really do not know. The Attorney General may be able to assist us in this connection. But the first question that I did put to the Attorney General on that date was as follows:

In connection with the recent statement of the Attorney General relative to the report of grand jury of the county of York, would the Attorney General advise whether he or his staff personally contacted anyone in the office of the crown attorney of Metropolitan Toronto and the county of York? If so, who was contacted, and does the information received from them confirm the basis of such statement?

I get back in that connection to say this to you. The grand jury could not have had what I called a psychic experience in connection with this. They must have talked to somebody. You might have a disgruntled employee down there. I do not know whether you do or not. But the fact I want to be satisfied with as a member of the opposition is that the disgruntled employee, whoever he is, does not have any validity for the comments that he is making. I want to be satisfied when we are finished this particular vote that you have really exhaustively looked into the allegations of the grand jury in this connection.

That is the point I wish to make. I say most respectfully to the Attorney General that the main burden I read into his 19 pages of reply basically was first, the function of the grand jury, which we will get into afterwards; second, an analysis, for example, of some of the collateral benefits—

Hon. Mr. Wishart: What date is that statement?

Mr. Bullbrook: March 19, sir.

Hon. Mr. Wishart: Of 1970?

Mr. Bullbrook: Of 1970, right.

Second, some of the collateral benefits of being a crown attorney, that you have pension benefits and things of that nature. But I want to really talk about the adequacy of the staff.

A further question that I wanted to put to the Attorney General. Was question No. 6 put on that day? When was the complement of 30 crown prosecutors set? That might well be in error. That might well be a complement of 33, I am not sure, with 30 presently. Has this complement taken into consideration the increase of true bills from 233 in 1964 to 721 in 1969? I think that should read 1967-233 in 1967 to 721 in 1969. If such complement takes into consideration such increase, would the Attorney General explain the ratio increase in proportion to the ratio increase of true bills?

No. 7, why is it that the written salary schedules of the crown attorney's office have so many similar salary schedules if salaries are in accordance with merit and individual ability?

No. 9, does any member of the crown attorney's office sit on the appraisal committee referred to in the Attorney General's statement? For the sake of clarity and knowledge, that is the appraisal committee which evaluates individual abilities of the crown attorney in connection with merit increases. I believe.

That is basically what I want to put before the committee today, and ask the replies of the Attorney General.

Mr. Chairman: Mr. Minister?

Hon. Mr. Wishart: Mr. Chairman, I will answer some of the points and I will ask my deputy minister, Mr. Dick to answer others which are in detail. I think I must say that perhaps the grand jury was not altogether objective in its report. I think that becomes apparent from reading its report. I have, I think, some knowledge of where that information came from. I do not propose to mention any names, but I have a pretty fair knowledge of what and where some of the information they received was produced.

Mr. Bullbrook: Well, sir, may I? I certainly do not want to continue interrupting but I do not know how else we are going to have a dialogue. I am just thinking, for example, after your first sentence, that a lack of proper information does not affect the objectivity of the grand jury. They might have got some

bad information but I would be interested, for example, in your saying, why they are not objective. What axe have they got to grind?

Hon. Mr. Wishart: Let us take one recommendation, one complaint. I do not know how objective the members of the grand jury were when they complained that nobody down at the crown attorney's office had a QC.

Mr. Bullbrook: That is a lack of knowledge. That can be truthfully said to be in ignorance of the status of QC, in a layman. I say most respectfully to you that has nothing to do with objectivity.

Hon. Mr. Wishart: No, but I think it indicates that the source of that complaint was from somebody who was not very objective.

Mr. Bullbrook: All right, that is a different thing. So perhaps the information they received was less than objective.

Hon. Mr. Wishart: That is right, yes. The range of salaries, which is one of the main points that is raised here was revised since the grand jury report was made, and we were discussing that yesterday evening. I think we indicated we would like to see higher salaries if this were possible; that may be brought about. But at present there are four who are being paid over \$20,000, nine in the range between \$15-\$20,000, and 18 in the range between \$10-\$15,000. No crown attorney makes under \$10,000.

Mr. Singer: Could you review that in light of what Mr. Dick said last night? He told me there were two in grade 5, one in grade 4. Your first comment was there were over—

Hon. Mr. Wishart: Four over \$20,000; I have a salary list here.

Mr. Singer: It would only be three.

Mr. Dick: We have the salaries in detail here if you want them. But the difficulty arises that salary ranges cover a range of \$5,000 so a man may be in legal officer 2 category and making \$18,000.

Mr. Bullbrook: May I reiterate that I, as you recall, am and not too interested in the relationship between complement and burden of work.

Hon. Mr. Wishart: I just wanted to touch these things.

Mr. Bullbrook: Yes, surely.

Hon. Mr. Wishart: I figure our salaries have been revised in a fairly good and fairly satisfactory way. I think our crown attorneys—many of them are young men with not a great deal of experience—are very well paid when you compare them with what they can get in other offices. We would like to keep them longer, as we discussed last night and give them more experience, but they come in there and they get experience and they go. This will always prevail unless you made the salary beyond what they would earn elsewhere, to keep them in our hands.

I would just like to mention that the library really is perhaps one of the best law libraries that they have at their disposal in the county of York—a very excellent library.

Mr. Singer: Which library are you talking about? The county of York library? Or is there a crown attorneys' library in the old city hall?

Mr. Dick: No, they have a lovely library in the metropolitan courthouse in our own office.

Hon. Mr. Wishart: While not brand new, it is a beautiful library.

Mr. Sopha: It would not surprise me in that Taj Mahal.

Mr. Singer: I have never quite got into that suite—ecstatic. They have no offices in the old city hall any more?

Mr. Dick: Not all of them. There are offices available for men in the city hall who are doing work in the city hall.

Hon. Mr. Wishart: To come to the question of whether the complement is not sufficient for the work. I think I have to say that in my view the complement of crown attorneys is quite adequate for the work there is for them to do. They are not overworked. There may be occasions when there is a press of work, but the crown attorneys who are in that office are quite capable in numbers of doing the work which falls to their hands. We have approval this year in our estimates for acquiring of 12 more assistant crown attorneys.

Mr. Bullbrook: For the county of York?

Hon. Mr. Wishart: For the province? There are 33, I believe, in the county of York now.

Mr. Bullbrook: Are there 33 now?

Hon. Mr. Wishart: I think it is 33, as I recollect.

Mr. Dick: Thirty-three plus the crown attorney himself.

Mr. Bullbrook: How many did you have at the time of the grand jury report? Did you have 33 then?

Hon. Mr. Wishart: I do not know the exact number.

Mr. Bullbrook: I want to get these statistics. I have to have them, if I might, sir.

Mr. Singer: Well, Mr. Dick said last night that you had 30, although the complement was 33.

Mr. Bullbrook: Did you have 30 then? You have hired three since that time?

Hon. Mr. Wishart: I cannot give you a figure offhand like that—

Mr. Bullbrook: If I might say, Mr. Chairman, this gets to the question of the validity of the grand jury's report. If you have hired three, and increased your complement 10 per cent—

Hon. Mr. Wishart: Was not your question how many crown attorneys were there at the time of the crown attorney's report?

Mr. Bullbrook: Page eight of your report, 28, and how many do you have now?

Mr. Dick: Thirty.

Mr. Bullbrook: Thirty, you have hired two since then? So there have been two hired since the grand jury report? Right?

Mr. Dick: Progress.

Mr. Bullbrook: One would assume then that lends itself to at least the concept that there is some validity in their complaint. Right?

Mr. Dick: Not in my view.

Hon. Mr. Wishart: Not in our view at all.

Mr. Bullbrook: Well, all right—

Mr. Sopha: Objectively.

Mr. Bullbrook: Objectively. So you have hired two since the grand jury report?

Hon. Mr. Wishart: To my knowledge, two.

Mr. Bullbrook: How many of the 12 that you intend to hire as a result of these votes we are going through now do you intend to allocate to the county of York, if any?

Mr. Dick: Included in the 33.

Mr. Bullbrook: So three more?

Mr. Dick: No sir. The complement at the present time as approved in these estimates is 33 assistant crown attorneys and one crown attorney for York. That includes those—a total of 12 assistants—who are being distributed throughout the province.

Mr. Bullbrook: I am obviously—

Mr. Dick: The other nine will be distributed where needed across the province.

Mr. Bullbrook: Mr. Chairman, I am obviously obtuse. I have to get this correct in my mind. At the time of the report of the grand jury, the complement was, that is, there were 28 crowns in the county of York office. Is that right?

Hon. Mr. Wishart: Yes, I believe that is right.

Mr. Bullbrook: That is right. There are presently 30, at the present time, today, you have a complement of 30?

Mr. Dick: At the last time I asked for the figures, which may have been a week ago, in anticipation of this, give or take a couple of weeks, the last figure that was given to me was 30, which I read last night.

Mr. Bullbrook: Thirty. Now in the 12 that you intend to hire throughout the province, are any of those going to be assigned?

Mr. Dick: Three.

Mr. Bullbrook: Three. Okay. So from March—

Hon. Mr. Wishart: We are at liberty to place three in the county of York, yes.

Mr. Bullbrook: Well, are we asking a policy decision that we should not ask, Mr. Chairman? Surely, I would think in evaluating, in budgeting your requirements, you have made up your mind whether any are going into the county of York. Are there three going in?

Hon. Mr. Wishart: I would say three, if the need is shown for three.

Mr. Dick: Excuse me, sir, all we are allowed is 33, and that is the figure that we are presently allowed. We cannot add more—

Mr. Bullbrook: Please, do not get into what you are allowed, I am talking about bodies. If I might, Mr. Chairman. You are looking impatient with me, Mr. Chairman.

You had 28 at the time; there were 28 bodies there. There are 30 bodies there, and with three more there will be 33 bodies. I think our problem is the word “complement”.

Mr. Sopha: And crown attorney makes 34.

Mr. Bullbrook: That is 34?

Mr. Singer: Usually traveling between Toronto and Hamilton.

Mr. Bullbrook: All right, now, then, am I not correct that at the time of the grand jury report we had 28, and we now envisage a need for 34? Right. An elevation of six. Right?

Hon. Mr. Wishart: Well, we do not now envisage it, we envisaged it before. We knew what we needed to do.

Mr. Bullbrook: All right. Now you tell me what difference that makes then, whether you envisaged it before, or now. Do you see, if that is your proportionate increase off the top of my mathematical head, of about, is it 20 per cent?

Mr. Sopha: Yes, 20 per cent.

Mr. Bullbrook: It is about, no, a little over 20 per cent, maybe 22 per cent. Is it a result of an increase in workload of 22 per cent? I would not think so.

Hon. Mr. Wishart: Well, no, I do not think that you could say that because you have 600 cases instead of 300, that you would necessarily double your complement.

Mr. Bullbrook: All right, I agree with that. In my respectful opinion, there is no validity in saying that because you have twice as many cases you have to have twice as many crown attorneys.

Hon. Mr. Wishart: That is our view.

Mr. Bullbrook: So the factual situation is that at the time of the report of the grand jury there were 28 bodies down there. We would hope some time as a result of the vote that we are now going to pass there will be eventually 33 bodies there, serving that need. Okay?

Mr. Sopha: Thirty-four.

Mr. Bullbrook: Thirty-four.

Hon. Mr. Wishart: Yes, 34.

Mr. Bullbrook: Thirty-three and a half. One fellow splits himself with Hamilton. Right? So we have got 34. I would comment, an appreciable increase. And I would comment also, that it would lead me as a person not knowledgeable with the internal administration or onus of work down there, that there really needed to be. The grand jury had some validity.

Hon. Mr. Wishart: Yes, but this was not done as a result of the grand jury.

Mr. Bullbrook: That begs the question, if I might, Mr. Chairman. Whether it was done by grand jury or not. We are not here to defend the grand jury, we are here to look into whether the workload was adequately being taken care of before. Now I want to ask you, if I might, Mr. Chairman, how many was the complement in 1964, when we had 157 county court criminal cases?

Mr. Dick: Sixteen.

Mr. Bullbrook: Sixteen at that time, and that increased to 28 in 1969.

Mr. Dick: If I may, sir, you asked the complement in 1964 and it was 16, and 16 on staff in that year. The complement in 1969 was 30 and at the time of the grand jury's report there were 28 men filling these positions.

Mr. Bullbrook: Right, thank you. We have it clarified. We have a meeting of the minds now, on what constitutes complement. I use the word "bodies", because I think it clarifies it. But then it brings to my mind, again, if you have a staff of 16 handling 157 cases, you then have a staff of 28 handling 639 cases. This again asks or invites the question. I am wondering really whether we were serving the public well with that staff of 28 doing 639 cases, when we had—I might just interject a personal comment—back in 1964 we had some people who had been there some considerable length of time. In other words, knowledgeable crowns in 1964?

Mr. Sopha: A. D. Klein was there.

Mr. Bullbrook: Pardon me?

Mr. Sopha: Klein was there.

Mr. Bullbrook: Was Mr. Bull there?

Mr. Chairman: Well, that is the vote. I move the adjournment of the debate. It looks as if we must adjourn until after the vote.

Mr. Bullbrook: I wanted to speak on that bill.

Mr. Chairman: We will reconvene when the vote has been completed.

The committee reconvened at 5:30 o'clock, p.m.

Mr. Chairman: We are reconvened now, back on the record and I believe that when I adjourned the meeting for the vote Mr. Bullbrook had the floor.

Mr. Bullbrook: Yes, thank you, sir. I was commenting on the elevation—or is it increase—I call on my colleague for Sudbury—

Mr. Sopha: What is that?

Mr. Bullbrook: Should I say "elevation" or "increase"?

Mr. Sopha: I think you should say "increase," if you will forgive me.

Mr. Bullbrook: Not at all.

Interjections by hon. members.

An hon. member: You have an elevation to the bench and an increase in numbers.

Mr. Bullbrook: The increase was from 16 to 28 in the number of crown attorneys in 1964—the complement was 16 and the complement was filled. In 1969, the complement was 30 of which there were 28. The criminal cases increased from 157 to 639. We had drawn the conclusion therefore, not necessarily that there was validity in the grand jury statement but that one wonders as to whether the office of the crown attorney for the county of York was being adequately served in 1969 having regard to the number of staff there?

I was just wondering, along that line, and to assist us further, if we could have any statistical information as to summary matters with which the crown attorney's office was involved in 1964 and in 1969? The reason I ask is, I realize it is not part of the estimates but if we are going to truly judge whether the vote that we are going to cast now is an adequate vote with an increase of

three, I would like to look at the proportionate increases in summary matters. Not as substantial? Not as substantial?

Hon. Mr. Wishart: I have asked the deputy if he would like to speak to this.

Mr. Dick: Shall I speak to all of the things?

Hon. Mr. Wishart: I think perhaps it would be well to deal with it now.

Mr. Bullbrook: As long as we can have some repartee. You do not mind if I—

Mr. Dick: Mr. Chairman, if I might start in 1964 with respect to the complement of 16 that has been mentioned, and I am just reviewing that in respect of what we called the complement today. There are several things that are fused in that interval.

Firstly, the method by which—if you will pardon the expression—we control manpower is quite different from what we did in 1964. With the increasing recognition that there were greater demands upon the public purse and greater recognition over the intervening years that we must look very carefully at any additional people who are hired in the public service, we have introduced through all areas of the department—and, indeed, the government—newer and better methods of trying to assess the need for adding people to the staff in the department.

Mr. Bullbrook: May I interject there the comment, though, in connection with your justifiable concern as to the public purse, that the other side of the ledger we have gone into the legal aid field to an expenditure of—what will it be this year?

Mr. Singer: Eight million dollars is what they are asking for.

Mr. Bullbrook: Eight million dollars this year, so I feel that the concern expressed by the deputy, although a valid concern, is one with which I would take issue in comparison to the expenditure. For example, giving yourself a 50 per cent increase in complement forthwith would not be an undue burden on the public purse relative to the \$8 million we are going to spend in the legal aid programme. I just make that comment.

Mr. Dick: Well, I would say that there would be little point in increasing it by 50 per cent if the men were not going to be effectively used.

Mr. Bullbrook: I agree.

Mr. Dick: This has been our concern. And in reference to the case loads and complement and people and this type of discussion, it is very obvious in the nature of the discussion that what we require is the greater analysis of the work that is going on in the courts and the case loads, the amount of time being extended in the various courts.

In the years 1967 and 1968, we hired a task force of 20 law students and sent them throughout the province to every court—every superior court, the supreme court and the county court, both criminal and civil—to analyze the minute books and the records for every cause of action that took place in those courts in 1967 and 1968. And we now have those figures for those years in a computer form. We do not have them for the provincial courts, because the volume of work in the provincial courts is so great and we are just now in the process of developing a comparable system to get statistics in the provincial courts.

So when you ask, sir, could you have the facts or the statistics for the provincial courts, we do not have them in a form other than that which is in the inspector of legal offices' report, which is the total volume of matters in the provincial courts for the year without any meaningful breakdown as to which ones were criminal, which ones were summary conviction matters and so on.

Mr. Bullbrook: You would agree, of course, that the main burden of responsibility of the people we are talking about under this vote is in the provincial court.

Mr. Dick: The great bulk!

Mr. Bullbrook: Mostly provincial court work.

Mr. Dick: Quite so!

So, looking in the grand jury's report which referred solely to the one area of the county judges' criminal court, it is really not a meaningful comparison except that the 30 lawyers, or whatever number of lawyers are in the crown attorney's office at any given point of time, are dealing with the provincial court cases, the assizes, as well as the sessions and the county judges' criminal court.

But, in moving from the matter of the 16 in 1964, I think in the interval I was looking at the men who are presently in the office, and out of the 16 who were there in 1964, eight of them are still on staff in the crown attorney's office in York. Three of them have been promoted to other positions; one became the

crown attorney in another county, one went to the bench and another is in our own office in the main office. Two of them—one, Henry Bull, of course—died, one has retired and there were only three who have actually left the public service since 1964 of the men who were then in that office.

Mr. Singer: Whoa!

Mr. Bullbrook: Of the eight who were there in 1964, how many are still there, of the 16 who are still in the crown attorney's office in York?

Mr. Dick: Eight of them are still in the crown attorney's office in York; three of them have been promoted to other positions in the public service, one of those being to the county court bench; one of them died; one retired and three of them have left and gone elsewhere. One of those three, in the process, was appointed the crown attorney in another county and then subsequently left and went into practice in that county.

Mr. Bullbrook: Leading, of course, to nine.

Mr. Dick: I mention that in passing, if I may, in justification of my own office, to say that they are not a completely dissident group that are continually in a state of movement.

Mr. Bullbrook: Let us just clarify one thing. When we get into this we are not after your office, Mr. Dick. You know that.

Mr. Dick: But speaking, if I might, for the crown attorney's office, because it is a source of pride to them—the manner in which the office is conducted—I mention these figures to show that there are eight men who have virtually made a career in that office and they are still with us and I hope they will remain.

But moving to the complement and the discussion more currently of this year which is before you, gentlemen, we have the complement which we have mentioned, the 33 plus the crown attorney. In addition, we have in that office at the present time two men from the main office whom we want to have experience in the crown attorney's office in York, although they are on staff in the main office of the department. In addition to that, we have from time to time brought in other men from other counties to do work as the case load has necessitated it.

For instance, when the senior judge established several additional sessions courts, men came in from other places to deal with the work load and then returned, and they have

them circulating in this way, giving them experience and at the same time giving them an interest in the largest office in the province.

If I might speak on the matter of salaries and the question of the payment and whether this is a factor, because in the salaries categories which have been allotted—the minister has mentioned the salary levels that we spoke of, and in the grand jury's report reference was made to the matter of perhaps not enough individual assessment of these men at the time when that information was given to the grand jury, the then system did not permit this type of assessment. However, since that time—and it has been going on for a year prior to that—we had been working with the civil service department to introduce into the system a better system of assessment, and the legal appraisal committee to which you have referred is part of it.

That committee, in reviewing these positions, took every individual lawyer. We know them all personally. The three of us who were looking at them—myself, in this case the director of public prosecutions, and the deputy minister of The Department of Civil Service—looked at the individual in the position, his career thus far with the public service and the position which he held and the work that he was doing; thereupon we arrived at what we thought was a proper salary level within the seven categories.

Mr. Bullbrook: Within a defined category.

Mr. Dick: Well, within a defined category, going from the figures I mentioned last night of roughly \$9,100 to roughly \$26,000. Within that, of course, there are men who will be getting the same salaries; in the view of the men who went over these positions, they received the same salaries because they were of comparable abilities doing comparable work. These men, as they progress and as they develop, will be reviewed. We expect to review them every year to see if the position has changed, if their abilities have changed, and if we are satisfied they have, they will then progress.

Mr. Bullbrook: You have upgraded your system of evaluation?

Mr. Dick: Very much so, we feel. In going from that to the other matters of concern, some of the people may have spoken about the system to others outside and so on; it concerns some because their salaries did not go up as high as some of the other men's went up. Indeed, in many positions in the department, men of less service are now

making more money than men of senior service, specifically for the reason that, by virtue of their own innate abilities, they are able to do and carry a greater amount of responsibility.

Mr. Bullbrook: Are you conveying to us, if I might through the Chairman, that perhaps some person who is dissident, and led to the publication, perhaps of some of his less than objective comments, we will call them, and led to the publication of this grand jury report, was in the position that he did not receive a salary raise and that was the motivation behind it?

Mr. Dick: No, not that.

Mr. Bullbrook: I think probably I can close my end of it by saying this. I was not that concerned about the salary aspect of it. I think, as a member of the Legislature, I have to leave it up to the administration to a great extent—or certainly to a greater extent than is my responsibility—to digest the adequacy of salaries. As I have said before, there are some things—one might say many things—in the grand jurors' report that one has to recognize overtly that have not much validity. But I am not content that we have adequately digested in the past, in going over the estimates in this department, that the crown attorney's office in the county of York was adequately serving the public interest—I am not really. Having regard to the comments that we had 28 crown attorneys at the time of the publication of the grand jurors' report and we have now seen fit to increase that to 33, plus an administering crown attorney, some of the comments made in the grand jurors' report really were not valid.

In connection with the deputy minister's comment as to a more sophisticated evaluation of the workload in the courts, one might well ask why you did not start that in the provincial courts, rather than in the other courts. In my limited experience, it is not the supreme court that finds itself so burdened, frankly, from the point of view of crown prosecutions, it is the provincial court, on a day-to-day basis, and I would think more so in Toronto than many other places.

I think that, frankly, the exercise initiated by the grand jury has borne some fruit and they are to be complimented for it. Whether it was within their jurisdiction or not, we will have the opportunity to discuss in another vote.

Mr. Chairman: Mr. Dick.

Mr. Dick: Mr. Chairman, if I might just speak to that one point. We did, at the same time, carry out the same survey in the provincial court.

The distinction was that we relied upon the staff of the provincial courts to give us the information. In the superior courts we sent out our own people to do it themselves. Those men we could instruct very clearly as to how the information was to be compiled—the forms, and so on—and it came in in an accurate form, which we could then devote and develop for the computer programme to give us the information we needed.

Because we were not in such close contact with such a vast number of the courts and could not give them the specific directions, the information came in, but not in a form that was accurate, or sufficiently accurate, we thought, to be able to put it into a meaningful base that we could thereupon revise the jurisdictions, or look at the administration of the courts.

We felt that the information was sufficiently inaccurate that it would be misleading, so we are now in the process of revising the method by which we obtained that information. We hope that, starting January 1, 1971, this information will then be coming in in a continuing basis from the provincial courts in an accurate form. The experience we gained trying to get it from the provincial courts I think will help us; we tried to get it, but it just did not work as well as we had hoped.

Mr. Bullbrook: Then, if I might, Mr. Chairman—I thought I was going to finish but I really did not have direct answers to my questions previously.

I had asked the question as to whether the Attorney General or his staff had contacted anyone in the office of the crown attorney of Metropolitan Toronto and the county of York. If so, who was contacted and does the information received from them confirm the basis of the statement—that is, the statement made by the Attorney General on March 19?

Are you at liberty to tell us, in effect, what went on here? The grand jury did not dream this stuff up. It could not have, really. It must have spoken to someone, right? And I have concluded myself, in reading them, that there is no validity in some of the assertions. But it is obvious from the data that you have given us now that there is some validity, Mr. Chairman.

I am just wondering if you are in a posi-

tion to tell us: did you talk to the crowns down there? I spoke at length, Mr. Chairman, with the acting foreman of the grand jury in this case and he gave me information that he had spoken to a crown attorney, or some crowns, and they said that they were working under the most extreme circumstances in some situations. I am just wondering, are you able to answer the question as to liaison?

Hon. Mr. Wishart: I will say this and perhaps I will ask Mr. Dick to add to it. I saw no one; I made no attempt to go down to the crown attorney's office myself to interview anybody. I did have Mr. Samuel Caldbick, who is the senior crown attorney in that office the past four months, or thereabouts, I believe it is, acting as senior crown attorney for the county of York and in the course of his—

Mr. Singer: When he had seen that he went back north.

Hon. Mr. Wishart: No, no, he came in at my request. I thought it was very helpful of him to do so. He came in to take that office over and give the benefit of his administrative ability and his knowledge, his very wide knowledge to that office, and I am sure the—

Mr. Singer: You told us last night you tried to get him to take that permanent office.

Hon. Mr. Wishart: No, no.

Mr. Singer: I thought you said—

Hon. Mr. Wishart: No, this was never in my mind. He is an elderly man. He came to that office from outside and, being a senior crown attorney, I think he gave us great service. I am sure the member for Sudbury will support me in my assessment of his ability. In the course of his being there, I asked him specifically to give me a report on the operation of that office as he saw it. I think anyone's fresh viewpoint, particularly that of a man of wide experience and senior ability, would be helpful. In doing that, his was an interim holding position. I was hoping that his advice to many of those young crown attorneys would be most helpful. I think it was.

I felt that he would give me an assessment of what he saw there; what he felt might be done to improve the methods and procedures; how the courts should be attended; how the men were spending their time, when they were getting into court; and how they were preparing their cases and all this. This he

did. He gave me a very complete report toward the end of his stay. I have made that report available to Harvey McCulloch who has been appointed to that office.

All of this, I think, has been helpful. But I do not believe I really asked him to assess the grand jury report at all. I just asked him for a report on the operation of the office of the crown attorney for the county of York as he saw it; what ways he felt it might be improved; what ways he could assist the men, and so on. And that he did for me. But I did not, I am sure, have anything from him when I made the report on March 19.

Mr. Bullbrook: As a matter of interest, Mr. Chairman, I wonder if the—

Hon. Mr. Wishart: I am going to accept questions as soon as I have finished. I think we can have a conversation then.

Mr. Bullbrook: I thought you were finished.

Hon. Mr. Wishart: I would just like to say that, when I finish and we finish our dialogue here, I will ask Mr. Dick to add to that.

Mr. Bullbrook: I was just going to add, as a matter of interest, that one of the questions I had to ask is does the Attorney General intend to review the grand jury reports for the three previous years, and will he give reasons for the non-implementation of apparently worthwhile suggestions? As a matter of interest, when the grand jury's report comes in, would Judge Martin forward it to the Minister of Justice as a matter of course, and there have it digested by someone appropriate?

Hon. Mr. Wishart: We get all grand jury reports in the office.

Mr. Bullbrook: Do you then, from a public relations point of view, try to bring to the attention of the members of the grand jury the answers to some of their questions?

Hon. Mr. Wishart: No.

Mr. Bullbrook: You do not?

Hon. Mr. Wishart: We get them from all across the province.

Mr. Bullbrook: I realize that.

Hon. Mr. Wishart: I had not thought of—

Mr. Bullbrook: I think most of the grand jury recommendations have to do with physical institutions and their inadequacies. Therefore this is a report that—

Hon. Mr. Wishart: I think that is strictly their function, frankly, but I do not—

Mr. Bullbrook: We will get into that afterwards.

Hon. Mr. Wishart: I do not object to their looking at institutions in a broader sense. As for the institution of Parliament, of the Legislature, I do not know if you would let them go that far or not.

Mr. Sopha: You might be interested to know that for years in Sudbury the judge had a fixation about the inadequacy of the parking facilities, and he used to get every grand jury to take note of the inadequacy. Then the judge would send the report to the Minister of Public Works.

Mr. Chairman: Mr. Bullbrook, have you finished?

Mr. Bullbrook: I just wanted to relate, if I might take a moment, that it reminds me of a judge when I was a student in Sarnia. He had a parking lot and you could not possibly put your car there. I was a student with a young fellow who practises now, Dan Racine, and after I was a student there I walked in for Harry Taylor—you might remember him—and handed a note over for the judge to sign.

He says: "Racine, you got your car in my parking spot. You get that out of there right away."

I said: "Your Honour, I do not have a car, and I am not Racine."

I was with him for the rest of my term as a student.

Well, we will leave this point. That gives you some idea of the tribulations of the law student, with some of the interjections.

I just wanted to say this in closing, in connection with this. I myself want to record that I think the grand jury did a superb job there, and I think it has led—frankly, it has obviously led, as far as I can see—to a response from the department and the department is entitled to compliments in connection with their response.

Mr. Sopha: But there is one serious figure we did not get.

Mr. Bullbrook: Summary information?

Mr. Sopha: Yes. It might be very helpful. What was the increase in the number of summary convictions, from summary matters tried, between 1964 and 1969?

Hon. Mr. Wishart: I do not think we can give that, can we?

Mr. Dick: The only figures we can give to that—

Mr. Chairman: Could you speak up, Mr. Dick, for *Hansard*?

Interjections by hon. members.

Mr. Dick: The only figures that we have on that, sir, are the figures included in the inspector of legal offices report for 1964 as compared with 1969, and we have those.

Mr. Bullbrook: What are the figures? Out of interest.

Mr. Dick: Well, in 1969, just give me a moment to look at the—

Mr. Singer: Why do you say those are the only figures? Are these not a true reflection of the question that was asked?

Mr. Dick: Well, they are, sir, but they only include in some years the parking offences. When the gentleman spoke of the summary conviction matters, for instance, as you might relate to offences under provincial—

Mr. Singer: You mean the one that the police are trying?

Mr. Dick: This would be misleading. For instance, in York for the quarter ending December 31, 1969, the total case load is indicated in Metropolitan Toronto at 876,473 cases.

Mr. Singer: Just a minute—876?

Mr. Dick: And 473.

Mr. Singer: And 473. That is a lot of cases. In 1964?

Mr. Dick: That was 1969.

Mr. Singer: In 1969.

Mr. Bullbrook: They would all be prosecuted, of course, by your crowns.

Mr. Sopha: No, there would be 850,000 pleas of guilty.

Hon. Mr. Wishart: I think the figure for 1964, county of York, is 1,171,218.

Mr. Singer: One million?

Hon. Mr. Wishart: Yes, 1,171,218 cases.

Mr. Bullbrook: You mean there were fewer in 1969 than in 1964?

Hon. Mr. Wishart: That is why—

Mr. Bullbrook: That cannot be right. You left a figure off that 1969 figure.

Mr. Dick: No, sir, if I may. This is why I would not suggest that you compare these figures, because in the process of compiling statistics in one year, they delete the parking summonses and parking tags. That, of course, took a great segment of the statistics. In comparing the years in the report you really have to go back and analyze what each year included, and that is why I hesitated to give them—

Mr. Bullbrook: One could only validly assume, then, that there might be some direct proportion between summary matters and the jury matters. Right? I think that is a reasonable conclusion. If you are going to have a volume increase in the matters before the county court, or criminal court, I would think there would be a proportionate increase in total criminal matters, and quasi-criminal matters.

Mr. Chairman: Are there any further questions? On vote 902?

Mr. Sopha: There is another—

Mr. Chairman: Mr. Sopha.

Mr. Sopha: Mr. Chairman, if you will forgive me, there is another very relevant aspect of it. We know that most of the time of the crown attorneys is spent in their duties on summary matters; accordingly we would have to know, in order to appreciate the burden on the crown attorney's office, the extent of their responsibility in statistical terms. We do not have that information. The grand jury, in other words, just to put a cap on it, were dealing with a very special, important—but minor, in terms of devotion of time—aspect of the office of crown attorney in York. We are unable to appreciate it. We are left at the point where we are unable to know whether Mr. Dick's increase in the complement to 33 is truly adequate in York. We simply do not know.

Mr. Singer: All we have really got is that something was put through a computer, and they have come up with this figure. But there is no basis on which you or I could figure.

Mr. Sopha: Yes, thirty-three and a half crown attorneys.

Mr. Chairman: Vote 902.

Mr. Bullbrook: May I just say this—

Hon. Mr. Wishart: I think I would just like to say this—

Mr. Bullbrook: All right.

Hon. Mr. Wishart: We did not base our actions on the grand jury's report. Our increase in complement, our assessment of the work, is our own, and it is based on not just the last month or the last year. It is based on the experience over the years of the work that is done in all the courts.

Mr. Singer: Yes, but what are your criteria for every increase of 10,000 in the population of Metropolitan Toronto, or every increase in the incidence of crime? What particular criteria do you use? You must have some basis. Or do you just sit down and say, maybe this year we should have three more?

Hon. Mr. Wishart: The senior man in charge of the office knows how busy his men are; how much work they are doing; and can advise us. Certainly that is one criterion, which is a very important one. It is far better than a grand jury walking in one day and sizing up the situation from their point of view. I think the man who runs the offices and is there day-by-day and has the responsibility for it, can give a far better assessment of how his men are working.

Mr. Bullbrook: Not necessarily from the point of view of our responsibility as legislators. We cannot come to the estimates of any department and, just offhand, take the word of the senior administration. Otherwise we are abdicating our responsibility.

Hon. Mr. Wishart: I do not say you should. I say that I—

Mr. Bullbrook: All right; maybe from your point of view.

Hon. Mr. Wishart: From my point of view, I must rely upon the officials who I believe are capable, sincere and honest, devoted to the job. Their assessment is what I go by.

Mr. Bullbrook: That type of phraseology—I hate to interject—but when you start calling your officials sincere, devoted, it leaves the inference that we call them otherwise.

Hon. Mr. Wishart: No, I do not think so.

Mr. Bullbrook: I hope it does not, because this exercise has nothing to do—that is why

I interjected to Mr. Dick before—it has nothing to do with the ability of the senior administration. It has to do with our evaluation as far as objective criteria available to us are concerned, and in this instance it has been made available through the grand jury.

Mr. Sopha: In the two minutes that remain—

Mr. Chairman: Can I have Mr. Renwick down on this?

Mr. Bullbrook: Can I just finish this for a moment?

You see, in connection with question No. 6 that I put to you, we talked about objective criteria, but you have got the elevations in the true bills, 233 to 721. This is what bothers me.

If that is an indicator of the proportionate volume of work in summary matters, I am wondering how do you rationalize an increase of only 16 to 33? Maybe we could take it up at 8 o'clock here.

Mr. Chairman: Mr. Sopha.

Mr. Sopha: I just want to make a brief comment that in respect to the grand jury's observation about the functioning of the crown attorney's office in York, it is especially germane to say, I think, that at a time when the Attorney General is under scrutiny from very many quarters about his intentions in respect to the abolition of juries, or the changing of the jury structure, that this grand jury, in my view, is to be commended.

The grand jury duty is an important area of direct participation of citizens in government, where they come in direct contact. The fact that this grand jury could exercise the initiative to give the benefit of their views, even if they are wrong, even if they are misguided, they are to be commended for the demonstration of energy on their part to make these observations.

I regretted very much that the Attorney General rather offhandedly dismissed them, the observation being it was outside their jurisdiction. I did not feel that they deserved that kind of response from the Attorney General. Let me say this, that with gratitude and with circumspection and more than a

little humility—and he is a man capable of great humility—he might not have chided them, but encouraged them in this venture. After all, we want more of them; we want to encourage that type of interest in the administration of justice.

I conclude by saying that 15 years of practice have taught me that judges and lawyers and court clerks and all the other satraps around the court think they own the law when the law really belongs to the public, and is administered as a sacred trust on behalf of the great body of the public.

Mr. Chairman: Gentlemen, it is 6 o'clock. The minister has about one minute of comment that he asks to make before we adjourn to resume at 8.

Hon. Mr. Wishart: There is much of what the hon. member for Sudbury said with which I agree about the grand jury. They do a job, and they do a great service. I would want to point out that in my suggestion in the House that some consideration might be given to doing without juries in civil trials, there was never any suggestion that a grand jury be dispensed with. I have been one of the great defenders of the retention of the grand jury.

Mr. Bullbrook: I thought that you are.

Hon. Mr. Wishart: Yes, I am.

Mr. Sopha: I am not sure of—

Hon. Mr. Wishart: I do not want to be in the position of having an image of being opposed to the grand jury.

Mr. Sopha: Right.

Mr. Chairman: Gentlemen, just one further observation. If any of you are leaving now and not expecting to return tonight, please be sure to take your things with you because this room is being used for other things tomorrow morning.

We will be sitting tomorrow afternoon, of course, in this room. Please take your papers with you if you are not coming back tonight.

It being 6 o'clock, p.m. the committee took recess.



ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, June 9, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.
Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 9, 1970

The committee resumed at 8 o'clock, p.m., in committee room one; Mr. A. K. Meen in the Chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

On vote 902.

Mr. Chairman: Gentlemen, I will call the meeting to order. Vote 902. Mr. Renwick.

Mr. J. Renwick (Riverdale): Mr. Chairman, if my friends in the Liberal Party are finished with the crown attorneys—

Mr. V. M. Singer (Downsview): No, I am not.

Mr. J. Renwick: Would you like to deal with Mr. McCulloch?

Mr. Singer: Yes, I did last night, but I thought it was appropriate to make some kind of summation, because relating to my remarks last night about Mr. McCulloch, and having listened very carefully this afternoon to the most modest remarks—

Mr. L. M. Reilly (Eglinton): Who is McCulloch?

Mr. Singer: I will tell the member for Eglinton very shortly; he missed it last night.

After the most modest remarks made by my colleague for Sarnia (Mr. Bullbrook) and the lack of answers that were produced, I think it is most appropriate that certain remarks be added at the end of this discussion of crown attorneys. I do not like to wash dirty linen in public, but my one criticism directed to my friend from Sarnia is that he is far too modest and polite in his concern and his criticism in relation to various matters that arise in the House.

Mr. Chairman: Let us say he is a responsible opposition member.

Mr. Singer: I am glad that the Chairman intervened in that. But my concern is, really, Mr. Chairman, that once in a while, my col-

league from Sarnia seems to be—and he is not really—fopped off with the suggestion that there is an explanation. But let me list the things that have come up in the last twelve hours in relation to this particular estimate.

One, it is abundantly apparent that the whole staff of the Attorney General's department was unable to come up with any other suggestions as to who should be the senior crown attorney for the county of York other than Mr. McCulloch, for whom, I have said, we have great respect, whose ability we admire, who is a man getting on in years, and whom the minister has now charged with the responsibility of looking after 50 per cent of all of the criminal prosecutions in the province of Ontario.

You have given us no adequate explanation whatsoever as to why you have not been able to find in the service of the Crown, in Ontario, a gentleman who could take on the important responsibility of being chief crown attorney in the county of York other than Mr. McCulloch. Surely, there can be no greater condemnation of your lack of planning and your lack of ability to administer than the fact that you have not been able to come up with a nominee who was able to take on that position. Mr. McCulloch is 60 years old, 60 years plus?

Hon. A. A. Wishart (Minister of Justice): Sixty.

Mr. Singer: You are now asking him to journey regularly backwards and forwards between Toronto and Hamilton and to look after two of the most important jurisdictions in this province. You do not seem to have any faith in this great system that you set up, and that the deputy Attorney General was telling us about, whereby you can pick out from amongst this group of people you have been training, a younger man who was able to take on this important responsibility. Let me point out to you that the government of Canada has had some faith in people like Pat Hartt who is now justice of the supreme court, Pat Galligan who is of similar

age; young men whom they have accepted to be justices of the supreme court.

Let me point out to you that the people of Quebec recently entrusted the fate of their government to a young man in his early thirties, Mr. Bourassa, as Premier of the province. But apparently, there is not enough initiative in the minds of those who administer justice in this province of Ontario to have in line for appointment as crown attorney in the county of York, someone who is ready to take over this job.

When you are suddenly visited with an apparent crisis—and it should not be a crisis—you should have strength and depth. The only thing you can do is to go into a neighbouring municipality and to pick out Mr. McCulloch. As I have said, and I repeat it, in case there should be any doubt, we have the greatest respect for Mr. McCulloch and his ability. But you give him a double job which is far too much for any one individual to be charged with. You have asked him to do this job and to look after 50 per cent of the criminal prosecutions in the province of Ontario.

The second point, Mr. Chairman, is this: As both the Attorney General and his deputy attempted to cope with the various problems and questions raised by my colleague for Sarnia—and perhaps he is far too polite to have taken the exception that I would have taken to the type of answer he got—they did not answer any of his questions.

The substantial question was: What were the criteria by which you changed the setup of crown attorneys and assistant crown attorneys in the county of York? You never answered him. Your substantial answer was: "You must trust the honesty, the integrity and the sincerity of my advisers—my advisers being the Attorney General's advisers."

None of us has questioned the honesty, the sincerity or the integrity of people, such as the Deputy Minister of Justice (Mr. Dick) and those people who are associated with him. We just questioned their lack of imagination, their lack of planning and their lack of ability to run the crown attorney's office in a meaningful way, because the questions that my colleague from Sarnia asked were logical and sensible.

He said: "On what basis do you determine that you increase the strength of these offices? When do you decide that the strength should be increased from 28 to 30 to 33 and on what basis do you do it?" It is just no answer, Mr. Chairman, for the Attorney General to say, "Trust my advisers." If the whole test of the

adequacy of these estimates is going to be that we should trust the Attorney General's advisers, then we are all wasting our time. If the whole test for the role of opposition is going to be that the Attorney General's advisers must be trusted, and that is the only answer, then we are just all wasting our time.

Surely, Mr. Chairman, we are entitled to some concrete answers to the positive questions that have to be posed, and that have to be answered if the Attorney General is doing his job. I am not talking about his deputy. I am not talking about the strength of the civil service underneath him. The Attorney General, the minister responsible, must answer the question as to why he has not been able to find a crown attorney for the county of York, other than to go into the county of Wentworth and to take an older man, because there has been no strength and depth in the organization in the county of York.

The second question is what is the basis on which you have been able to decide to either increase or decrease the strength of assistant crown attorneys in the county of York? It is not enough to say: "Trust my advisers." You have got to give us some criteria, if you are responsible people.

You talk about computers. We gather information together and we feed it into the computer and the computer comes forward with an answer. Yet, when we begin to question the kind of information you feed into the computer, the deputy attorney general tells us: "The figures are—what is it—1,171,218 summary conviction matters in 1964; 876,473 in 1969, but do not pay any attention to those figures because they are meaningless."

What are the meaningful figures? Are the meaningful figures the questions raised by the grand jury? Are the meaningful figures only in the deputy attorney general's mind?

I say this, Mr. Chairman, the Attorney General, if he is going to have some answers as to how he is running his department, has to explain these things. Has he no faith in the ability of the younger people in this province? Have his senior advisers no planning ability in order to create a chain of succession of able people, who can take over these senior jobs as they come on? There could not be a more obvious admission of failure than when the position of crown attorney of the county of York becomes open and you have nowhere to go except into the county of Wentworth and take Mr. McCulloch.

Now in case there, again, be any doubt in anybody's mind, I am not attacking Mr. McCulloch. We in the legal profession respect

him and he has substantial ability, and it is only because he is a responsible person that he has agreed to take on this job *pro tem*.

You have got what, 30 people now—in the crown attorney's office in York. Eight of them have been there since 1964. The deputy minister's peculiar phrase was: "If they have been there since 1964, six years indicates a substantial dedication." Of those eight people—two of whom are grade 5, one grade 4, five grade 3—obviously he had no confidence in any one of them that they could take on the senior job. You have not even moved them to grade 6 or grade 7 and you have not got enough confidence to give them a senior job.

I say your actions have indicated a dismal failure in planning and the course of the administration of justice has suffered because you are not able to plan. The paramount fact is that when reduced to nothing else, you keep on resorting to the ploy—and it is nothing more than a ploy—my advisers are capable, efficient and honest.

Let me say again, the member for Sarnia, the member for Sudbury, myself and any other Liberal members here are not doubting the honesty and integrity of any one of your advisers. We are doubting very seriously your ability to administer this very important facet of the course of administration of justice.

In your failure, in your inability to appoint to this job that has become vacant, a new young man who has been trained in the course of the administration of justice to take over this job, you have failed; and in your inability to answer the questions posed by my colleague for Sarnia as to the criteria by which you change the complement in the county of York, again, you will say it.

We are not going to be fobbed off, Mr. Chairman, without protest, without very serious protest against the pallid excuses that we must trust the integrity and the honesty and the sincerity of his civil servants. We are not questioning that. We are questioning, Mr. Chairman, very seriously, the ability of the attorney general to look after this very important facet of the administration of justice.

Hon. Mr. Wishart: Mr. Chairman, may I speak to this matter?

Mr. Chairman: Yes.

Hon. Mr. Wishart: It is very hard, Mr. Chairman, to answer one who does not wish to listen to answers or to accept them when they are given.

First of all, he makes the statement that we only had one person to consider for

crown attorney in the county of York. That, of course, was not so at all. We had several names to consider, some from the office, other names from outside. The fact that we came up with what we consider, and what the hon. member admits to be, a man of first-rate ability and experience, is not for a moment to admit that there were not others who might have been appointed.

Certainly, there were others taken into consideration. I would want to say at once we were not limited to just finding one man. He suggested last evening that we should have gone, perhaps, outside, into the field of the law profession altogether. We might have done so, but I think there is great merit in staying within the field where crown attorneys are. I think that for several reasons.

First of all, they do have the experience of prosecuting attorneys. To get one from the field outside is to take a man who may be very capable and have good ability but who does not have that experience. We did not want, necessarily, a man who is going into court and I do not think the senior crown attorney of the county of York will be making a great many appearances in court.

What we want is a man who would be a good administrator; who could handle younger men; who could handle the staff; who could instruct and direct them. That is the type of man we sought; that is the type of man we got. Appointment has been made from within that office and we would have been glad to follow the pattern. In the last 20 years the appointment of the deputy was made in the person of W. O. Gibson; the late W. O. Gibson moved up to the senior crown attorney's position.

Mr. Singer: Good lawyer and everybody liked him. He did a good job.

Hon. Mr. Wishart: A good lawyer, first rate. The late Mr. Bull, who was a deputy, succeeded him and then when Mr. Bull died, he was succeeded by the deputy, Lloyd Grabum. We would probably have followed that pattern except that the deputy, Mr. Rickaby had only been two years in the position and we felt in the situation that was there it would be better to have a senior person.

I have nothing against the younger man, but on the other hand I do not think the hon. member needs to make a great case out of the fact that we appointed a man of 60 years of age. It is not a case of discarding younger persons or saying that they are not capable at all. It is a case of saying that the

most capable person on whom we could place our hands for this position was Mr. McCulloch. And everyone admits that, I think. And I have received letters and commendations of one kind and another for that appointment.

It is not a case of discarding a person because of his younger years at all, and I would hope that we will be able to stay within the field of crown attorneys and, as we have done in the past, a pattern has developed that the deputy would be the man in line if he has the experience and the time in that office. I think that surely covers that point.

I did answer the member for Sarnia. I thought I answered him in that it is not just a case—to stress the fact—that I said my advisors were people of experience and honesty and dedication—that was not the full answer. I said that we had knowledge of the operation of the office of the crown attorney of the county of York, that we know the workload, that we know how their performance is carried on there.

I mentioned that I had had Mr. Caldbick come in and examine the workings of that office. He was there for some three or four months and gave me a report as to what his findings were as to work, responsibilities, and many matters in that office. We did not just do it from ignorance or without knowledge. I am sure if the hon. member were perhaps running a business, which might be compared to administering an office, he would expect his superintendents, the men who are in responsible positions, to report to him and say what changes he should make, who should be promoted, what changes should be made in processes and so on. Perhaps he might listen even more to them than to some group who might come in and spend the afternoon looking over the plant.

I think the experience that one has—

Mr. J. E. Bullbrook (Sarnia): Those comments, with respect—

Hon. Mr. Wishart: The hon. member can make his comments later perhaps. I did not interrupt him particularly.

I think there is a relevance, a comparable situation. What I am trying to say is that knowledge of your operation, the knowledge that you again over some years administering it, I think is not lost on one when one comes to deal with it—and that you have that knowledge, not gained just in a day or so.

There was no crisis here. That is a term

the hon. member for Downsview seems fond of using. It is not a crisis. We lose a senior man; a new appointment is made with the deputy; he is appointed to the bench.

These things happened within a comparatively short time, and we find that it would be better in our view to have the senior man, even though he may come from outside the office. Now as to saying that Mr. McCulloch is overburdened, I think not. As I say he will not be spending his time in court. He will be looking after the direction and administration of the office.

Mr. Singer: Could I ask the Attorney General a question? How long has Mr. McCulloch been crown attorney in Hamilton?

Hon. Mr. Wishart: For a goodly number of years. I cannot say the exact number.

Mr. Singer: Have you regarded his services as very satisfactory?

Hon. Mr. Wishart: Yes—

Mr. Singer: Have you regarded him as being fully employed?

Hon. Mr. Wishart: Well, not—

Mr. Singer: He did not really have too much spare time on his hands, did he?

Hon. Mr. Wishart: No, I think he was fairly fully employed. We have made arrangements in the office in Hamilton that the senior man there next to Mr. McCulloch, Mr. Gage, would move up and accept some of the responsibilities there, and if necessary we will appoint an additional crown attorney there to complete that staff if that is necessary.

But Mr. McCulloch will not be travelling back and forth, certainly not every day. He may certainly be moving back for a weekend, something of that sort. But it is not a case of commuting every day, back and forth. Not that that would be a great burden to carry out under modern conditions. However, that is not the plan, and that is not what would come about, and to say that this action, in appointing what I think is recognized as the best available man in the crown attorney's field, is a dismal failure, it seems to me is an exaggeration beyond all acceptance, all belief. The criteria as I say, was the knowledge we have of the workload, the increase in cases, how the men in that office are performing their duty, how much they can do, and I do not know as I can give any better answers than I have given to the hon.

member. I think he exaggerates, he uses terms that just do not apply to the situation at all.

Mr. Chairman: Any further discussion on vote 902?

Mr. Bullbrook: Why the Attorney General interjects—or rather uses the phrase that they spend half a day looking into this—what do you have to substantiate that remark? That the grand jury looked in half a day?

Hon. Mr. Wishart: I did not say the grand jury did.

Mr. Bullbrook: Well who looked into it? Who are you—

Hon. Mr. Wishart: I said if the hon. member was running a business, he would probably accept the advice of his operators, his superintendents, his people in responsible positions, rather than someone who came in and spent half a day looking round his plant.

Mr. Bullbrook: I take it then that that analogy was not referable to anyone?

Hon. Mr. Wishart: Well, it has some reference I suppose.

Mr. Bullbrook: But to whom?

Hon. Mr. Wishart: Well if you you wish to cross examine!

Mr. Bullbrook: To whom? I mean, the basis of this discussion, Mr. Chairman, was the report of the grand jury. I inferred from the comment of the Attorney General, and interjected unduly, that he should not have said that, and I say these things respectfully you know that. I thought it was the grand jury you were referring to. Are you saying—I take it from your reply you are not saying the grand jury spent a half a day on it?

Hon. Mr. Wishart: No. I really think this is an analogy not necessarily related to the grand jury.

Mr. Bullbrook: But to whom was it referable? Just as a matter of interest.

Hon. Mr. Wishart: It was not referable necessarily to anyone, but it is comparable.

Mr. Singer: Why it is a time sheet the Attorney General engages in regularly.

Hon. Mr. Wishart: You may call it that.

Mr. Singer: Yes I do.

Mr. Reilly: Mr. Chairman, I was glad to hear my colleague here, Mr. Singer, talk about it, because he has been practising law in the county of York, and I know of his work, and I have known of the firm for years and years. I respect his opinion, but candidly I do not share his views in connection with the appointment here of a Mr. McCulloch. Now I knew his predecessor, I knew Henry Bull quite well, and candidly I thought he was a very able man. He did a tremendous job here—

Interjection by an hon. member.

Mr. Reilly: Is this right?

Mr. Singer: Yes.

Mr. Reilly: Right, and I knew his predecessor Fred Gibson, too—

Mr. Singer: You missed one, a fellow named Greburn.

Mr. Reilly: I did not know him, I knew of him, but I did not know him.

But it seems to me that personally, there is a lot of room for a lot of young men, in the field, but this does not mean to say that we disregard those that you say of him, how old is he, 60 years of age. Is there something wrong with a man 60 because he is 60 years of age?

But on the contrary, I would judge that if he is 60 years of age he has piled up a lot of experience that is useful to York county. I venture as far as Mr. McCulloch is concerned, not knowing him personally, only knowing him by reputation, that I would far rather see somebody like Mr. McCulloch than the suggestion that the hon. member made about an outsider.

Certainly you would look within the fold if you possibly could to see if there was somebody of merit and ability and of experience, and it seems to me from your report and from reports we have heard that here is a man who was tried and true. Why would you look elsewhere under the circumstances?

I can share the viewpoint expressed by the Attorney General when you hear the deputy, we normally move up the ladder, and here was a deputy with two years' experience. I am sure in your business, and I know in my business, that I hesitate to take somebody with less experience when I can get somebody with more experience.

Mr. Singer: I agree, I agree, Mr. Chairman. I am delighted with these events and

the hon. member for Eglinton, because basically he and I are saying to some extent exactly the same thing.

Throughout my remarks last evening, this afternoon and tonight, I have said nothing other than that Mr. McCulloch is an outstanding crown attorney in the province of Ontario. When I asked the Attorney General how long he had been the crown attorney in Wentworth County, a very important jurisdiction, as my friend Mr. Gisborn will agree, he said a great number of years.

Hon. Mr. Wishart: A goodly number of years.

Mr. Singer: A goodly number of years, okay. The member for Hamilton East (Mr. Gisborn) and I am sure many others, will agree that Mr. McCulloch has carried out his job admirably.

Mr. R. Gisborn (Hamilton East): I might add that whenever they have problems satisfying the chickens in their own pen, come back to Hamilton and we—

Hon. Mr. Wishart: That is right. We send them outside.

Mr. Singer: There is nothing wrong with that, and I say hooray for Mr. McCulloch, but I do say, that that kind of attention is needed in Wentworth County.

Hon. Mr. Wishart: Not as in York.

Mr. Singer: Oh now, wait a minute!

That kind of attention is needed in Wentworth county. In Wentworth County with one crown attorney and two full time assistants you just cannot spare anybody to come into the county of York, the other jurisdiction with five times as much business, and split Mr. McCulloch's responsibility. They need him in Wentworth, and I say that what is indicated by the reason of this appointment in making Mr. McCulloch the crown attorney in York, is that you are bereft in talent, your organization has fallen down, and when you fell on hard times you had nowhere to turn.

Now I am sure that Mr. McCulloch is going to try his best, but in a job that you have been at for many years, if you take away a substantial portion of his responsibility, something is going to suffer. He is not going to be able to come into the county of York, and set aright a system that has fallen onto shallow days.

He is not going to be able to give the same care and attention and devotion he has

previously given to Wentworth county. They are both going to suffer. And it is not just because he is 60 years old. It is not just because he is no longer a younger man. But by moving him and giving him four times the responsibility that he has previously had it indicates that the Attorney General is lacking in strength in his organization as to where to look to make this kind of replacement.

That point must be reasonably obvious. I am quite sure that Mr. Reilly in his lock business, which he runs very efficiently and very successfully, is not going to take someone to be his new assistant who has 91 other responsibilities. He is going to look to someone who can devote his full care and attention to the new responsibility he has. The Attorney General says that he is the best crown attorney we have in Ontario. We are taking him out of Wentworth and, are putting him into York and that he is going to set York on its feet.

This is the most important job, the busiest job certainly, and we feel that we can get somebody else who can handle the job equally well. That is not what he said. He said we have nobody else for Wentworth, so we are going to leave McCulloch in Wentworth, and we are also going to give him York, and the York responsibility is four times as much as the Wentworth responsibility.

I say this indicates a bankruptcy, a complete bankruptcy in the organization of the Attorney General's department. He just has not been able to organize their affairs so that they have a reasonable chain of succession either from inside or have the desire to go outside to put people in senior positions as these senior positions become vacant.

It is not as though they said we have another man for here who can do a better job in the bigger responsibility.

What they have said is we are leaving this very able man with his own responsibility and we are giving him as four times as much. This man has been there for many years; he is not a young man any longer. Nobody has suggested, least of all I or Mr. Gisborn—I called on Mr. Gisborn for his advice just a moment ago—that McCulloch has not done a wonderful job in Hamilton. Leave him there and we can expect him to continue to do that wonderful job.

But is it fair or is it reasonable to those persons who are concerned with the administration of justice in the county of York to have nowhere else to go except to poor old Harvey McCulloch who has got his hands full in run-

ning Wentworth county? Now you are asking him to do four times the job in York. It just is not reasonable and logical.

Where does it fall down? The strength of the organization should lie in its ability to call on any of these people who are trained anywhere else in the province of Ontario and say, "This is an intelligent young man who we have moved along who is able to take over this new responsibility."

I am sure the member for Eglinton, who is an experienced and able businessman, would agree with that kind of logic. You are taking one man who has advanced to a point and saying, "Okay, you are up to that point, let us give you a bigger responsibility". Fine.

The member for Eglinton and I, knowing a little bit about this—he knows far more than I—would say, "That is a good thing. You train young people, you bring them along and you give them new responsibilities as they advance. Great." When you take a man who has got a responsibility you do not relieve him of any of the old ones he has had for many years and say, "Take four times the responsibility." That indicates a bankruptcy in your organization.

I am sure the member for Eglinton—if he would think about it for just a moment—will agree with me. Somewhere along the line the administration of justice in The Department of the Attorney General, insofar as it relates to training assistant crown attorneys, has fallen down very, very badly. They are bankrupt of talent, they are bankrupt of organization and the pallid explanation that they have given to my colleague from Sarnia—you must trust the honesty and integrity and sincerity of my advisers—is just not enough. They just are not doing the job.

Mr. Reilly: Yet you would do this all the time and so would I. We would trust them, would we not?

Mr. Singer: Oh, come on. You are backed into a corner, why do you not admit it?

Mr. Reilly: Not at all. Mr. Attorney General has listed the intention of the department that they would always continue on the basis of what is now coupling up of Wentworth and York counties with one man.

Mr. Singer: Oh, when? When?

Hon. Mr. Wishart: This is a point and I will answer the question. These two large urban cities—I mentioned this in the House a few weeks ago—do flow into each other. Particularly with respect to the administration of

criminal justice, there is some advantage in having an overall look and view of it. The hon. member for Downsview is using the expression "bankrupt of talent". I do not agree with that—

Mr. Singer: You are.

Hon. Mr. Wishart: —because I do not think he would go down to the crown attorney's office in York and tell those chaps, who are very capable, that they are bankrupt of talent. Anyway, I would not accept it.

Mr. Singer: They are bankrupt of the talent that you recognize.

Hon. Mr. Wishart: Then he says, "You are not training them." Who could better train them than the best man—and he is praised to the skies—Harvey McCulloch? If that is his argument, it is answered. But it seems to me that his case must be rather weak when he has to take so long with repetition and extravagant language to bolster it. He protests too much, I think.

Mr. Singer: Could I ask the Attorney General what the answer is?

Mr. Bullbrook: Is that the answer?

Hon. Mr. Wishart: That is all I have to say.

Mr. Bullbrook: You are paraphrasing Shakespeare in response to this.

Hon. Mr. Wishart: Yes, a few words.

Mr. Bullbrook: If you will permit me.

Mr. Singer: No, I just want one more question. Is it now part of the programme of the administration of justice that you are unifying the crown attorney's office in Wentworth and York, and that one organization is going to look after both of these cities? If this is a new statement of policy, I would like to have it on record.

Hon. Mr. Wishart: No, we have two offices.

Mr. Singer: Oh, you do?

Hon. Mr. Wishart: We have the office in Hamilton and as I mentioned—

Mr. Singer: The member for Eglinton invited you to do that.

Hon. Mr. Wishart: Mr. Gage will assume higher responsibilities there.

Mr. Singer: Mr. Gage?

Hon. Mr. Wishart: Yes, he is the next in seniority there to Mr. McCulloch. There is another full-time person there.

Mr. Singer: In Wentworth or York?

Hon. Mr. Wishart: In Wentworth; Mr. Lambier. But I do think the knowledge which Mr. McCulloch has of that and the fact that he will have an opportunity still to give some overview to it, will be useful. There is no boundary, no barrier in criminal activity between Toronto and Hamilton.

Mr. Singer: I think it was Brutus who said, "They were all honourable men"; but you do not choose to promote any of them.

Hon. Mr. Wishart: No that was—

Mr. Singer: They were all honourable men and they are all able men, but you are not able—

Hon. Mr. Wishart: No, that was Mark Antony.

Mr. Singer: Mark Antony?

Mr. Bullbrook: Brutus had skipped out that day.

I want to comment on perhaps a less personal vein in connection with this. The thing that strikes me is not the question of the talents of Mr. McCulloch or otherwise. It is the question of your recognition of the responsibility of the position of the senior crown attorney in metropolitan Toronto and York. I think that is the essence of it really. You are prepared as a matter of policy in your department to say that the responsibility is such that it does not require a full-time boss. That is exactly what the Attorney General is saying. I am going to stop now to give you the opportunity to deny that.

Hon. Mr. Wishart: Mr. McCulloch will be here Monday through Friday, every working day.

Mr. Bullbrook: And what is he going to do for the county of Wentworth?

Hon. Mr. Wishart: I said we had bolstered the county of Wentworth by increasing the responsibility of Mr. Gage.

Mr. Bullbrook: I want to say something to you, if I may. I want to say that of the senior crown attorney's job you made the comment—and I wrote it down here—that you would like to have a good prosecuting attorney. That was one thing you said. Right, someone with experience?

Hon. Mr. Wishart: The experience is always helpful, I think.

Mr. Bullbrook: But not one who has necessarily to go into court?

Hon. Mr. Wishart: Right!

Mr. Bullbrook: Okay, so that on the basis of those two criteria, one has to question, really, what you had in mind. As I see it you are saying that you want somebody of significant experience, but basically the actual prosecution of cases is secondary to the administrative talent available.

Hon. Mr. Wishart: Surely I think the hon. member will follow me that if you were to have someone to train younger crown attorney's, as the hon. member for Downsview feels is necessary, and as I agree is necessary, then you should bring in a man who has been in the courts and has considerable experience. But he will not himself, I would think, be going into court. Only very infrequently, if at all.

Mr. Bullbrook: Yes, all right. We are not speaking at odds at all. What we are saying in effect, is that we agree the prime responsibility is one of administration. The history of your involvement in the county of York has been a desire on the part of your department to have a good administrator as senior crown attorney. Would you agree with that?

Hon. Mr. Wishart: Yes, but I would add, if I may, one who has had the experience of being a crown attorney.

Mr. Bullbrook: Fine, so we are saying in effect, that we would like to have the experience in prosecuting, but basically what we are looking for is a good administrator.

Hon. Mr. Wishart: Yes.

Mr. Bullbrook: Well, the point I attempt to make is that it would seem to me, as I evaluate the statistics, that we went into this afternoon—I am not going to burden you with these again, Mr. Chairman—that what you really do need more than anything else in the crown attorney's office in Metropolitan Toronto and county of York, is a very good administrator, who will assist your department in establishing those objective criteria to which the member for Downsview originally pointed his remarks and which, again, have not been answered, notwithstanding your reply that he did not listen. This is the key.

What strikes me, if I might, Mr. Chairman, is how you can rationalize the situation that, in effect, you are splitting the responsibility of Mr. McCulloch. I would not know Mr. McCulloch if I met him in the hall this afternoon. I know him by reputation as an able person from what people have said. But I would think, having regard to your responsibility as the chief administrator of justice in the province of Ontario, that if there was any place that required a full-time administrator, it would be the county of York. I cannot for the life of me understand how you rationalize this. In my respectful opinion, your response about the liaison to the member for Eglinton was a fortuitous one. I do not recall you ever speaking of this before, about the fact that perhaps this unified responsibility on the part of Mr. McCulloch might portend something of a regional nature.

Hon. Mr. Wishart: I hope the hon. member is not suggesting that I did not say that in the House, because I did.

Mr. Bullbrook: I am sorry. You might well have. I just say I did not recall it.

Hon. Mr. Wishart: No. I mentioned it in the House about two weeks ago. It is my recollection that though it was not exactly in the words that were used tonight, that these two areas flowed together in the way of criminal activity.

Mr. Singer: No, no! Let me just stop you at that point. Maybe they flow together, but is the Attorney General, in fact, announcing new policy?

Hon. Mr. Wishart: I have answered that.

Mr. Singer: No, you have not answered it. For the purpose of the administration of justice in the crown attorney's office, are you suggesting that you are embarking on a new policy to unify Wentworth and York as one unified district? The member for Eglinton begged you to say that as a face-saving ploy. You have not quite said that. You are pretending you said it, but you never said it.

Hon. Mr. Wishart: No, I am not pretending.

Mr. Singer: If this is your new announcement of policy, say it. If not, do not dance around the subject. Let us get a little definite.

Hon. Mr. Wishart: The hon. member will not put words in my mouth. I have not pre-

tended to say it. What I said is the opposite. I said there were two offices, that we were maintaining the Hamilton office. But I did say there was some advantage perhaps that these two large urban municipalities, where a great deal of the criminal activity of this province is found, do flow together. There is no boundary between them as far as criminal activity is concerned. To have a crown attorney who has some knowledge, first of all, of Hamilton, and who will have some time at least to see to the operation of that office for a time, I think is an advantage. But I wanted—

Mr. Singer: If he is going to be here five days a week, how is he going to have any time to see to Wentworth?

Hon. Mr. Wishart: I wanted to come to the question of administration. Administration may mean one thing in one type of office and one thing in another. In a business office, I suppose, the placing of orders, the making of sales, the advertising and so on, would be administration. Administration in the office of the crown attorney in the county of York would largely be assessing the qualities of the personnel, assigning them to the cases, deciding the serious cases—who should take what case—reckoning exactly the time it is likely to take and the quality of the man who is going to take it, the junior crown attorney being assigned to a lesser type of case until he gains the experience in the court.

Mr. Bullbrook: How is Mr. McCulloch going to do this in Hamilton? How is he going to do it? When is he going to do it?

Hon. Mr. Wishart: This is the type of administration that we need in the county of York, in any crown attorney office.

Mr. Bullbrook: When is he going to do it in Hamilton?

Hon. Mr. Wishart: We are not, I think, concerned that we will have any difficulty in the crown attorney's office in Hamilton.

Mr. Bullbrook: Most respectfully, Mr. Chairman, surely we are not designed to accept that type of response. I mean, goodness, as I said this afternoon, why do we not pack up our books and just walk out the door if we are to accept your opinion that that is to be it? If he is here from Monday to Friday, and recognizing his responsibilities in Hamilton, when is he going to do these

things? Surely we are not going to isolate Hamilton.

Before I finish, I want to say to you that the liaison of criminal activity between Hamilton and Toronto, if it exists, is not really a liaison in my respectful submission, that warrants your putting Mr. McCulloch in both jobs. It really is a liaison that warrants some unification of attitude in connection with law enforcement, because the administration of justice and the prosecution really does not, in my opinion, I would hope—and we are going to get into this in vote 911—require a liaison between the criminal element and the prosecuting attorney, or the police for that matter. The point I make here is that I just do not see any validity at all in the remarks that we have to have, or we should have, or it might be beneficial to have a crown attorney administering both offices. But to get to the point.

All these things that the senior crown attorney must do in recognition of his administrative responsibilities—when is Mr. McCulloch going to do these for the benefit of the city of Hamilton or Wentworth? When does he do this?

Hon. Mr. Wishart: Well Mr. Chairman, we anticipate no difficulty in the administration of the office in Hamilton.

Mr. Bullbrook: Mr. Chairman, if this is to be the reply, then of course I want to get right back into it. And as much as you do not want to—I recognize this; you have been most indulgent with me this afternoon—I am going to get right back into it again. If we are going to have the reply from the Attorney General that he does not see any difficulty, then I am going to start talking again about what happened in the past.

Because we have had a fulltime crown attorney in Metropolitan Toronto in the county of York and we have seen, according to the statistical evaluation of the grand jury, an increase in the criminal court, county court judge's criminal court from 157 cases in 1964 to 639 in 1969, and we have seen an increase in the complement—I hate to use that word really—well, let us say the number of crown attorneys from 16 to 28. We have also seen, from 1967, the appropriate increase in true bills.

The point we have to get down to is this: We had a fulltime administrator who apparently did not see the need for any proportionate increase of establishment or responsibility in the crown attorney's department, notwithstanding the concurrence of the statis-

tics in connection with that need—four times the volume in county court criminal activity alone.

The point I want to convey to you and to the Attorney General is that surely we just cannot accept his word that he is content that justice will be adequately served. I did not become involved with the debate last night because I was not here, and I am not really concerned with the debate on Mr. McCulloch except to say to you that I cannot for the life of me understand the position taken by The Department of Justice in saying that they are prepared to accept a part-time crown attorney either for Hamilton or Toronto.

I do not know which one it is. If Mr. McCulloch is Monday to Friday in Toronto, then I would regard his responsibility as fully finished. I would just hope that we are not going to demand of that man that he spend Saturday and Sunday taking care of those responsibilities enunciated by the Attorney General in connection with Wentworth, because if he is then he is not going to do the job. This is something the grand jury spoke about also: the ability—

Mr. Reilly: Did you get the same impression I did, that they were bolstering up Wentworth?

Mr. Bullbrook: Yes, but the point is this: you do not bolster up things. The key is not bolstering the complement of crown attorneys. The fact of the matter is that there is one person who is responsible for the administration of that particular office, and those responsibilities were enunciated in detail about three minutes ago by the Attorney General.

I think we must ask—we cannot demand in this particular situation—but we must ask of the Attorney General, Mr. Chairman, when does Mr. McCulloch take care of the responsibilities enunciated by the Attorney General a few moments ago in connection with the county of Wentworth? When does he take care of it?

I am not interested in the fact that he might have a greater complement in Wentworth. He has the responsibility in Wentworth and I am sure the member for Hamilton East (Mr. Snow) would join with me in asking this question. Perhaps we belabour the point. I do not apologize for it at this stage. I think we are entitled to an answer. When is Mr. McCulloch going to the job in Wentworth?

Mr. Chairman: Mr. Minister?

Hon. Mr. Wishart: Mr. Chairman, I think I have said all that can be said. As I say, it is difficult to answer questions when answers are not accepted, but I have said—

Mr. Bullbrook: I am sorry, sir, perhaps I missed your answer in connection with Wentworth.

Hon. Mr. Wishart: I said that in Wentworth, Mr. Gage will be next in line. Mr. McCulloch was given increased responsibility. The complement there is four assistant crowns and—

Mr. Singer: Two, you said, full time?

Hon. Mr. Wishart: —and two now. There is one vacancy and we have quite a number of part-time assistant crown attorneys. The situation in Hamilton has not suffered in the past. I do not anticipate that it will. Should it show that the work is too enlarged for those presently there, we will quickly move to add more crown attorneys.

Mr. Bullbrook: Sir, if I might clarify then; obviously I am not making myself clear again. I am not interested in the adequacy of the complement to undertake the job of prosecuting the cases which are their responsibility.

I want to put the question clearly to you. I am talking about administration because, as you increase your complement, one could happily suppose that you are going to have more people to do the job. You have told us, sir, that the crown attorney, Mr. McCulloch, is going to be working full time in the county of York, Monday to Friday. I want to know when he is going to do Wentworth. We had better be very frank in this; surely to goodness we can assume that the Attorney General, or his department, Mr. Chairman, has spoken with Mr. McCulloch about his responsibilities in Wentworth. We can assume that. I would like to know when Mr. McCulloch is going to handle his responsibilities in Wentworth?

Hon. Mr. Wishart: Mr. Chairman, the fact that Mr. McCulloch has been in Hamilton and has been the senior crown attorney for the county of Wentworth and the fact that we brought him to York county in that capacity I think, must argue that his office in Hamilton is well organized; that the administration there has been laid on and has been operating well for years.

Mr. Bullbrook: But he is not going to be there any more.

Hon. Mr. Wishart: No, but he has there two quite senior assistant crown attorneys,

full-time assistant crown attorneys. There is one vacancy. There are a good number of part-time men who have been quite active in the courts there. I do not think that immediately you are going to find a complete debacle of the administration in Hamilton.

Mr. Bullbrook: Nobody is suggesting that for one minute.

Hon. Mr. Wishart: As we watch the situation, we are not sitting idly by, we will take whatever steps may be necessary to make sure that that office is properly administered and properly manned, and that the administration of justice from the criminal side there goes forward. I think I may have to leave it at that. I do not know whether the hon. member wants to accept that.

Mr. Bullbrook: No, I am not going to leave it at that. The more that one gets into this—

Hon. Mr. Wishart: I do not think that there is much more that I could add. You could ask the question—

Mr. Bullbrook: Perhaps there is not much more that you could add to it.

Mr. Chairman: Just a moment. You said earlier and I quite agree with you, I have been most indulgent with you and with Mr. Singer in allowing you extensive questioning on this area.

Mr. Bullbrook: Right, sir.

Mr. Chairman: Now the minister has given his answer. In my opinion, he has given a very full and complete answer and I do not propose to waste the time of this committee any further on this particular point.

Mr. Singer: Mr. Chairman, it is not a question of your determining whether it is wasting the time. These estimates are here for the purpose of allowing us the opportunity to inquire and the vote will not be carried until the opposition have determined that they have exhausted all their questioning.

It is not up to your determination to try to cut off Bullbrook or Singer or anybody else in these estimates. If that is going to be your proposal then you are aborting the whole method of dealing with the estimates of any particular department.

Mr. Bullbrook: I want to speak to a point of order.

Mr. Chairman: If you gentlemen—

Mr. Bullbrook: Point of order, if I may?

Mr. Chairman: All right. Mr. Bullbrook first.

Mr. Bullbrook: My point of order, sir, is that I recognize that you have been indulgent and I complimented you in this connection. I have tried to be reasonable in connection with my questioning but I must say in fairness to my responsibility, the answers sometimes invite additional questions. I would be bereft of my responsibility if I did not ask the questions.

As far as your thoughts are concerned, and I realize they are not a judgment, or an order, or a final remark, in this connection, I invite you to reconsider what you have said. Surely I am entitled to press this forward? I must say, sir, that I did not intend to press it forward but as we receive responses we, as opposition members, must carry forward. I ask you to reconsider what you have said.

Mr. P. J. Yakubuski (Renfrew South): My point of order is, following this line of questioning is Mr. McCulloch, in the view of the Attorney General—

Mr. Bullbrook: That is not a point of order. It is a question.

Mr. Yakubuski: This is what I want to get through to my mind. I have been listening to you this afternoon and this evening.

Mr. Bullbrook: It doesn't make any difference.

Mr. Chairman: Gentlemen! Order, order!

Interjections by hon. members.

Mr. Chairman: I have no intention of cutting off debate, but I do intend to avoid repetition. We seem to be getting into a considerable amount of repetition on the same point.

It is, of course, the decision of the committee whether we proceed. I simply do not want to waste the time of the committee too much longer on this issue. Now if the member for Sarnia or any of the other members have any further discussion on vote 902, concerning the matter of the crown attorney here in Toronto, then fine, provided they do not repeat themselves.

The member for Renfrew South.

Mr. Yakubuski: Then if it is not a point of order, it is this. I want to determine from the Attorney General, through you, Mr. Chairman, whether this Mr. McCulloch we are hearing so much about—the crown attorney from Wentworth—is overworked or whether

he has complained about being overworked? Is the administration of justice in Wentworth suffering?

Hon. Mr. Wishart: Mr. Chairman, I believe, certainly, we discussed this whole matter very thoroughly with Mr. McCulloch, of course, before he was appointed; gave him our assessment of the office here. He knows Hamilton. As I mentioned earlier today, he was given the assessment made by the senior crown attorney for the province of Ontario, Mr. Caldbick. He has not complained of overwork; I do not think he will.

One of the details which I might mention was that he is going to be here through the week but he did suggest to me, and it was sort of agreed upon, that for a time—and these arrangements have some fluidity, mind you, and I cannot announce something that is not yet in readiness—he would meet with the Hamilton staff on the weekend, on Friday evening or Saturday. He would be discussing the administration there with them and their case load and the work.

There has been no complaint of overwork. There is no question of that and, Mr. Chairman, I appreciate your ruling. If the members wish to pursue this, I will answer as best I can, but I do feel that there is not much more that I can tell them about this situation. You could pursue it *ad infinitum*.

Mr. Yakubuski: Mr. Chairman, he would not be leaving Toronto, the county of York and going to Wentworth after 4 o'clock on Friday, would he?

Mr. Singer: That is just what the Attorney General said.

Hon. Mr. Wishart: I did not say that.

Mr. Singer: That is what he said.

Mr. Yakubuski: I would not think so. If you were to phone on any given Friday, he probably leaves at 11 or 1 and meets with his staff in Wentworth on Friday afternoon and that is it.

Mr. Singer: You perhaps, would have given a better answer than he did.

Mr. Chairman: Order, please! The member for Sarnia has the floor.

Mr. Bullbrook: I want to say, sir, most respectfully to you, that one cannot help but be repetitious, to a certain extent. Recognizing the rules of this chamber, it is difficult

to confine oneself to one comment on a certain set of facts. The beginning of this debate, sir, this afternoon was the recommendation of the grand jury in connection with the adequacy of crown attorney activities in the county of York and now we are involving ourselves of course with this senior crown attorney of the county of York and of necessity, transferring ourselves to a consideration of his duties in the county of Wentworth.

Now I put this to you, I put this to you, Mr. Chairman, and I put it to the attorney general through you: If there is any validity in the *status quo*—in what is going on right now—If there is any validity, they do not need a senior crown attorney in the country of Wentworth.

Now the fact of the matter is, I do not believe that. The fact of the matter is, they need one dearly and the fact of the matter is that this particular stop gap measure is exactly that and it is not serving the interest of justice to have one man clothed with the responsibility of the largest criminal portfolio in perhaps the dominion of Canada—with one possible reservation and that is Montreal—who has at the same time, the responsibility for the city of Hamilton, a most cosmopolitan area and one which has I would think, a significant docket itself in connection with matters of this nature.

Now if that is the answer of the Attorney General, if the answer of the Attorney General in connection with this is that we are content that this man can do the job after 4 o'clock on Friday evening then one has to wonder what job he did before. You have to. I mean, goodness gracious as a matter of logic, you have to.

If he was full time before, Mr. Chairman, if he was full time before, do you follow me? As of—we will take a date of March 15 or something of that nature, he was full time, senior crown attorney not doing prosecutions, right, because this is the criteria established, we want a good prosecuting attorney that is, we want a person of background but not one to go into court, then it becomes a question of administration, Mr. Chairman. And one has to question whether the public money has not been wasted in Hamilton before if we are able to do without one now.

The answer of the attorney general has been sir, that basically we are content that the job will be done.

I would be less than responsible if I moved that this vote be reduced to \$1. I would be less than responsible. As a result I am not

going to make such a motion but I tell you, after the discussion that has gone on now for hours, I am not content at all. I am not content having regard to the responses made as to the objective criteria; to the criticisms of the grand jury; I am not content at all having regard to the responsibilities of Mr. McCulloch that this particular portfolio is well served by its incumbent.

Mr. Chairman: The member for Hamilton East.

Mr. Gisborn: Mr. Chairman, I am having a little trouble finding the real point that the liberal members are trying to arrive at. And all due respect to their interest in the efficient administration of justice in York county and Wentworth county, I appreciate their interest. I think they are very capable people and have an interest.

But when the announcement was made in Hamilton of course, there were heaps of praise from a large group of those in the legal profession and there were strong words of caution from liberal lawyers.

Interjections by hon. members.

Mr. Yakabuski: Now we are finding out—

Mr. Gisborn: Mr. McCulloch made a firm commitment to the people involved in the legal work in Hamilton that he would see to it that the administration would not suffer and I really think that we have to at least test the pudding out and eat a little bit of it before we can come to any further conclusions. No one has laid any strict evidence that Mr. McCulloch's new responsibilities are going to be harmful.

It is all assumption, speculation and based on criteria that we have a shortage of personnel in the administration of justice particularly in the York county area.

Now I think at least we have to give it a chance at this point and see how it works out. I am sure that if the situation deteriorates in Wentworth county that the minister will be the first to hear about it because there was a lot of thought given to the situation when the announcement was made and as I say, there were pros and cons.

Most of them were heaps of praise and congratulations for the change that was made and words of caution also. So I think if we are going to continue the debate that the members from the Liberal Party should either base some more stronger contentions that there is evidence of deterioration of the

administration or we should get on with further business.

Mr. Bullbrook: It has nothing to do with the Liberal Party, you recognize that.

Mr. Chairman: Gentlemen, I am going to bring this to a close—

Mr. Singer: Mr. Chairman, you have no right to bring it to a close.

Mr. Chairman: I have every right to—

Mr. Singer: No sir, you do not have any right to bring it to a close.

Interjections by hon. members.

Mr. Singer: No, Mr. Chairman, I wish to comment further on this vote.

Mr. Chairman: We have discussed this at substantial—

Mr. Singer: Mr. Chairman, it is not your prerogative to determine when the discussion is over. The rules of this House allow the debate of these estimates until the opposition members have stopped debating them. And it is not your prerogative to bring the debate to a close.

Interjections by hon. members.

Mr. Singer: Now Mr. Chairman, I wish to speak.

An hon. member: I do not think they wish to carry on any further.

Mr. Singer: Well all right, I wish to speak Mr. Chairman. Are you going to recognize me or not?

Mr. Chairman: We will listen to Mr. Singer and then I am going to call the vote.

Mr. Singer: No, Mr. Chairman, you have no right to call the vote.

Mr. Chairman: I have a right to call the vote.

Mr. Singer: No, Mr. Chairman, you do not have a right to call the vote.

Now Mr. Chairman, on a point of order and I say this in all seriousness, if you are going to determine that you are going to call the vote when in your mind you think it is proper then I am going to recommend to my colleagues in the Liberal Party that we leave these estimates. Because you suddenly are determining the process of debating estimates in this House in a manner which has never

before been done in the 12 years that I have been here.

You have no right to do so and if you do, you are falling in line with the Tory belief that you have a right to run not only the government but the debates. Now this is untrue and unfair. And we have the right to debate and if you are going to deny us that right, we are going to protest with every weapon at our command.

An hon. member: Hear, hear!

Mr. Yakabuski: You have just thrown up a smoke screen to cover your retreat.

Mr. Singer: Not retreat. I wish to speak and I ask the Chairman if he will let me have the floor.

Mr. Chairman: We will recognize Mr. Singer and then I will ask for the question.

Mr. Singer: Mr. Chairman, I wish to speak further. I wish to ask the Attorney General—he made substantial reference to Mr. Gage. Could you tell me Mr. Gage's seniority within the crown attorney's department in Hamilton? Is he grade 1, grade 2 or grade 7? Which grade is he in?

Hon. Mr. Wishart: He is grade 3 at present.

Mr. Singer: Grade 3. How long has Mr. Gage been retained as a full time assistant crown attorney?

Hon. Mr. Wishart: I cannot tell you exactly, but I think it is in the neighbourhood of three years.

Mr. Singer: In the neighbourhood of three years. So you have said in effect, to us that Mr. Gage who is grade three amongst seven in seniority is going to be entrusted with the substantial responsibility of administering the crown attorney's office in Hamilton. You have also said by implication that you have not sufficient faith in Mr. Gage to appoint him at this moment as the crown attorney in Hamilton.

Now I do not know Mr. Gage at all; he may be the most able potential fulltime crown attorney that we have in the province of Ontario, perhaps he is, perhaps he is not. I do not know but it seems to me that if you are prepared to trust the whole problem of running the crown attorney's office to Mr. Gage, which must follow because you told my colleague from Samia that Mr. McCulloch is going to be in Toronto for five days a week and he is going to look after the crown attorney's office in Hamilton in his spare

time on weekends, that Mr. Gage should be entrusted with that responsibility.

Well if you are not prepared to give him that responsibility—and with only three years' experience you are not, perhaps—it is understandable. I have no knowledge of Mr. Gage so I do not commend him nor condemn him but if Mr. Gage is the man upon whom that responsibility is going to evolve then you should either give him the title or not give him the responsibility.

I want to answer the member for Hamilton East very briefly. The fact that McCulloch has been praised is in keeping with what we have said here. McCulloch is highly regarded in our profession and no one has said anything differently. What we have been saying and what we repeat and we are going to repeat *ad nauseum* if necessary—

Hon. Mr. Wishart: You certainly have been repeating.

Mr. Singer: —notwithstanding the chairman's opinion—that it is just too much to ask any one man to take on the responsibility of the administration of half of all the crown attorney's duties in the province of Ontario.

For years and years and years, this job has been divided. You are under strength in York, you are under strength in Wentworth and now you are asking one man to do both. And if there is any admission of defeat and ineptness, you have made it.

You have not got a man to put into the senior position in Wentworth, you have not got a man to put into the senior position in York and you are prevailing upon the good will of McCulloch who is a good, honest and sincere civil servant, who would not say anything other than "I will do my best." You are prevailing upon his good will to try and take on this job and help you out of a jam.

Why do you not have the courage to admit that you have not got the organization, that you have failed, because this is in fact what you have done. The only people that are going to suffer, Mr. Chairman, are the people of the province of Ontario, who are not going to get a fair break in the administration of justice in the county of Wentworth and the county of York.

Mr. Reilly: Mr. Chairman, a moment ago you were suggesting that you would like to call a vote in connection—I share the viewpoint expressed by my hon. colleague here from Downsview, I think that even though there has been considerable repetition, and I have listened to it, I still think it is up to

the committee when and if the debate has been concluded, and I am prepared as a member of the committee to listen to all the discussion that has to take place in regard to these estimates, whatever time it may be, and I think I would ask you to reconsider your thought in connection with that Mr. Chairman, and leave it to the members of the committee to conclude their discussion.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Well, Mr. Chairman, there certainly has been repetition, I hear the same words again, "you failed", a "dismal failure". We have heard this quite often, particularly from the member for Downsview. Now it was not so long ago, today, and again yesterday, that he was saying you could have gone outside the crown attorney's office and got a lawyer from the outside area who has not been a crown attorney at all, and that might have been a good thing to do. I looked up while he was speaking to find that Mr. Gage was called to the bar in 1950. He has been practicing 20 years, at the bar of Ontario. Two in the crown attorney's office, three. But the hon. member for Downsview said I could have gone out and got a man who had been practicing for 20 years, a young man too, he said, to make him chief crown attorney of the county of York. Now he blows hot, then he blows cold.

Mr. Yakabuski: And he blows and blows.

Hon. Mr. Wishart: And he repeats. I looked up while he was speaking, I looked at the work in Hamilton, and I find I have not got the figures for the provincial court, but in the senior criminal trials in Hamilton there were 118 in the year 1967-1968 in that fiscal year. In York, 2,245. If you multiply 118 by 20 you come out at 2,360, almost the equivalent of the York cases. One twentieth of the work.

Mr. Bullbrook: Can you substantiate that?

Hon. Mr. Wishart: One twentieth of the work in Hamilton!

Mr. Bullbrook: That is the point you have been making all night.

Hon. Mr. Wishart: So that there is no great problem—there is certainly no crisis, there is certainly no situation in Hamilton, as the member for Hamilton East has pointed out, which is causing us concern, and I have given the assurance, which I would ask all members to accept, that while the arrangement may be fluid to some extent, we are aware, we

are watching, and we will take any action that may be necessary.

But as the member for Hamilton East again said, anything that has been said here is just speculation. We have not got a critical situation. This is not so, and I do not think really Mr. Chairman, we gain by going on with this debate. It has become very repetitive. I do not think there is much more I could add, no matter how long it might continue, but I am not asking you to cut it off.

Mr. Chairman: The member for Renfrew South.

Mr. Yakabuski: I move that vote 902 carry.

Mr. Bullbrook: I want to ask some questions.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: Yes, I want to ask you Mr. Chairman, through you to the Attorney General, I want you to answer the lack of logic that I have when I say that you have administered Hamilton with a senior crown attorney for several years, with Mr. Gage in the complement, as I understand it. Right?

Hon. Mr. Wishart: Yes.

Mr. Bullbrook: Now you have no senior crown attorney from Monday to Friday. Could you tell me why you have wasted the public funds in having a senior crown attorney in Hamilton during those years.

Hon. Mr. Wishart: That question, Mr. Chairman, is not a question that really deserves an answer.

Mr. Bullbrook: Well I suggest you tell us.

Hon. Mr. Wishart: The appointment of Mr. McCulloch has not been a waste of public funds.

Mr. Bullbrook: All right; then let me carry forward if I might, if it has not been a waste of public funds then one can logically assume that there was a need for Mr. McCulloch in his responsible job. Right? Why has that need ceased?

Hon. Mr. Wishart: We have moved up into the office another man who is below him, to take certain responsibilities.

Mr. Bullbrook: I see. Now what responsibilities continue, having regard to the responsibilities that you mentioned 10 minutes ago, what responsibilities continue in Mr. McCulloch?

Hon. Mr. Wishart: Well I have outlined that. He would—

Mr. Bullbrook: Are they the total responsibilities that you generalized about, about crown attorneys throughout the province?

Hon. Mr. Wishart: He would meet with them, and discuss cases with them, give them the benefit of his advice and experience.

Mr. Bullbrook: And he does this on a Friday evening or a Saturday?

Hon. Mr. Wishart: Yes, and the office is I think well staffed, with good men—

Mr. Bullbrook: If I might, Mr. Chairman, I would appreciate it if I could get a direct reply from the Attorney General. I am not talking about the adequacy of the staffing, right?

Hon. Mr. Wishart: What are you complaining about?

Mr. Bullbrook: Well, to begin with, let us understand I am not complaining here, sir. I am here doing my job as an opposition member, and so let us have this again on the record if we can, I am not complaining to you. Right!

I presume to say to you through the Chairman, this is the democratic process in operation, the process of responsible government, and if I were in your seat and you were in mine, I would expect you to do exactly what I am doing. I am not complaining. If you want me to get rid of complaints I can walk out that door. There is no problem about my complaining.

Hon. Mr. Wishart: No, no.

Mr. Bullbrook: I have no personal involvement in the prosecutions in the county of York or Wentworth.

Hon. Mr. Wishart: I appreciate that—

Mr. Bullbrook: Okay, so we understand that. I want to know, I want to know, Mr. Chairman, and I will not let this vote pass notwithstanding, and I say this respectfully to you, sir, notwithstanding your inclination, and I recognize that there are rules in connection with repetition, but certainly this is at best peripheral repetition, and I want to know, I want to know directly, how you can rationalize, and that is the only word for it, the position of Mr. McCulloch presently, concurrent with the responsibility of senior crown attorney in the county of Wentworth?

Frankly I do not give on title for what the member for Hamilton East says about Liberal lawyers, NDP lawyers or any other lawyers; they do not have the responsibility we have.

I want to know: How can he be Monday to Friday in the position of what the grand jury called Toronto—a crown jewel in organized crime.

This opinion was expressed in an interview with noted criminal lawyer Mr. David Humphrey, QC.

Now what we are saying in effect is that we are prepared to put Mr. McCulloch into this responsibility for the first time, as essentially a parttime senior crown attorney and responsible for total administration in that crown jewel. I want to know how he carries on his responsibility in Hamilton. And if you say to me, sir, that it is on Friday after 4 o'clock, or Saturday, I say to you then we, in voting this money, are not carrying out our duty to the public of Wentworth county.

Hon. Mr. Wishart: Well, Mr. Chairman, the only thing I could add to what I have said—I think it seems unnecessary to say it—surely the hon. member knows that the means of communication between Toronto and Hamilton, between any two areas in this province, let alone this country, are swift and certain. There can be the utmost communication at any hour of the day or night between the crown attorneys in Hamilton and the ones in Toronto.

I have pointed out the extent of criminal activities, the criminal trials in Hamilton, about one-twentieth. If these two areas were combined in one, if they were, they would still not be approaching Montreal's size; and one crown attorney would be senior, you would not have two, necessarily. One man can well do the job, if that were necessary, if that were in design, if that were in our thinking.

What I am trying to get across to the hon. member is that we do not anticipate, we do not see failure in the administration of justice in Hamilton as a result of this move which we have recently made and which is being carried out now.

I can say no more to him. Surely I cannot if he does not wish to be convinced. It seems to me that we are just trying to get in a lot of time on this particular bill.

Mr. Bullbrook: Well that is not my purpose, I can assure, sir. You know I would love to be with you fishing up north. I said this to you before, I would love to be up there with you doing that.

Hon. Mr. Wishart: Well that might be possible.

Mr. Chairman: The member for Hamilton East.

Mr. Gisborn: Well, Mr. Chairman, I want to first say that I will postpone putting the question for two reasons.

One, I would not want to put the question on this vote until the members had exhausted their desire to debate it.

Secondly, I did discuss with the Chairman on what vote I would raise a particular question—another question other than this one—and he told me it would be on this vote, so I will want to deal with another question on this vote.

I might make things clear, I did not mention liberal lawyers in Hamilton disparagingly. I thought the inference was caught when I said there were heaps of praise and congratulations from one group. What I meant was that was the Conservative group, and words of caution from the Liberal group.

So there is nothing disparaging about the inference there. But I certainly oppose putting the question until they have both exhausted their desire to debate.

Mr. Chairman: I might say that I had not been aware that there was other subject matter for discussion under 902, Mr. Gisborn. You may carry on with your other point now when you have the floor.

Mr. Gisborn: Oh I am sorry, 904.

Mr. Chairman: We are on 902. I thought it was on 904 that you said you wished to discuss a matter.

Mr. Gisborn: I think you are correct. Yes, you are correct.

Mr. Chairman: Is there any further discussion on vote 902?

Mr. Singer: I have a further point on 902.

Mr. Chairman: Well then will you go on with those points?

Mr. Singer: Yes, provided everyone is finished with discussions on crown attorneys, I have nothing further to say on it.

Mr. Chairman: Thank you, we will consider that matter closed then and get on with other matters concerning vote 902.

The member for Downsview.

Mr. Singer: On vote 902, there is a grant for the centre of criminology, \$48,500. Would the Attorney General tell us what that is intended to do? What it in fact achieves?

Hon. Mr. Wishart: The centre of criminology has been operating for some years, as the hon. member knows, at the University of Toronto. The chief of that centre is Professor Edwards, well known I am sure to the hon. member. He does from time to time studies on criminal matters, matters such as sentencing, the criminal, the word I want is the existence, where crime is found, the extent of it, and various other things.

My notes indicate he is doing now for us a sentencing project, the effectiveness of parole, and a parole inmate study, a parole prediction study, a study on public attitudes toward crime and the police, crime news study. I frankly do not quite know the content of that myself, but this is coming forward.

A study on the economic analysis of crime and criminal justice, the nature of crime study, a legal aid study in relation to crime, criminal prosecution and the defence of criminals. A study on the pre-trial disposition of mentally disordered offenders, and a study on the law officers of the British Commonwealth, as they would be relating to this office.

The word I was looking for was the incident of crime, where it occurs, the occurrence.

Those are the sort of things that the centre of criminology is doing. My notes indicate that it is a three-part study.

The first part is judicial decision-making, concerned with what decisions different magistrates make, how they make them, and why they make them. The study deals with the jurisdiction of sentencing powers of magistrates, the method of their appointment, their social background, the similarity and difference among them in mental philosophy in penal philosophy.

The meaning and measurement of judicial attitudes to sentencing behaviour, social and legal constraint impinging on the discretion of the court, the way in which magistrates search for, interpret and use information in the process of coming to decisions.

The second part of the study will be the probation officer's role in sentencing.

I think these are valuable studies. This is an examination of the relationship between a probation officer's background and attitudes and the manner in which he processes and

interprets information in preparing pre-sentence reports.

The study also focuses on the degree to which it is possible for a probation officer to predict at the sentencing state whether or not an offender will successfully complete probation.

The part three is a follow-up study, and will examine the effectiveness of the different kind of sentence on the future behaviour of different offenders.

Mr. Singer: Well, Mr. Chairman, I think that is a very impressive university calendar. I would like to know from the Attorney General to what extent the studies that are embarked upon by the centre of criminology are directed or suggested by the Attorney General?

Hon. Mr. Wishart: I have discussions with Professor Edwards, and he informs us of what he thinks might be useful matters. We certainly have discussed the question of sentencing and probation, the principles of sentencing. These are the two major areas of this study.

Mr. Singer: Is this a postgraduate group, or an undergraduate group, or a sort of an ancillary group that does not lead to any particular degree?

Hon. Mr. Wishart: It is mainly a postgraduate study.

Mr. Singer: To what extent in final reports, or somewhat final reports, are these various studies reflected when they are expressed to the Attorney General?

Hon. Mr. Wishart: We have not had the report. But, again, the comments, especially by Professor Edwards, have been used in our symposiums and conferences on sentencing. I believe he himself has addressed magistrates and judges on principles of sentencing and on probation. But we were waiting for the report.

Mr. Singer: Well, is it expected that we will get a formal report from Professor Edwards or from some of his students?

Hon. Mr. Wishart: Yes, we will. The sentencing area is presently in the printer's hands.

Mr. Singer: How many students are able to take advantage of the studies conducted by the centre of criminology, or is it in fact a fellowship to Professor Edwards?

Hon. Mr. Wishart: I do not know the number of students or persons who are taking part in this. I cannot give you that at the moment.

Mr. Singer: Well, do you think there is one, two, a dozen, 50 or what?

Hon. Mr. Wishart: I think there is quite a group of students working on these projects as a matter of research and study.

Mr. Singer: I see. If this research is going on, would it not seem reasonable to the Attorney General, since \$48,500 is proposed to be spent this year, that whatever reports emanate be made available to all members of the Legislature? Is that the intention?

Hon. Mr. Wishart: I would think so, definitely. This is a report that I think will have very considerable value, and certainly will be one that there is no reason it should not be made public; in fact, every reason why it should.

Mr. Singer: It seems a little vague, Mr. Chairman. I am puzzled about this. We have the law reform commission; their reports are tabled, their annual report is tabled, and we have some knowledge of what they are doing. They are conducting a variety of inquiries. I have here in my file their annual report and I am going to discuss that later under that vote. We know what they are doing, to the extent we are satisfied or have to ask questions about it. But this one just seems to float in the air.

It is not a great deal of money in the total context of the Attorney General's expenditure, nor am I particularly adverse to helping university studies in these various fields. But it would seem to me only logical that we get some kind of definitive report, perhaps once a year, from the centre of criminology as to what they are doing, the particular fields of inquiry they are embarking upon, and have some reason to expect that with some logical frequency, we will be able to see their reports.

It occurs to me that it may be perhaps three years we have been granting them money.

Hon. Mr. Wishart: Yes, I think it is.

Mr. Singer: —and to my knowledge—and perhaps I am negligent in not having better knowledge of this—I have never seen a formal report come forth from the centre of criminology. In other words, we have been

voting sums annually, and we all say this is a great idea and we should have more people in postgraduate work studying various aspects of the whole field of criminal law. But I would like to see some kind of results.

Whether we agree with what they bring forward, or whether we disagree, that will be up to a later judgement. But I would like to see some kind of result appear other than the further education of Professor Edwards, who is an estimable gentleman, and I think it is great that he is doing this kind of work. I would like to think that when we spend public money on this kind of an effort that the Legislature is entitled to hear from time to time, from Professor Edwards and his students, as to what kind of conclusions they have arrived at.

Hon. Mr. Wishart: Mr. Chairman, I find myself fully in agreement with the hon. member for Downsview, different than from a few moments ago. I agree with him that we should get, for our money, a report.

The first part, on sentencing, is promised this year. As I say, I understand it is now in the University of Toronto Press for printing, with the other parts to follow in 1971, part two, the second and third part of the study. I think we should have this report. I do think it will be valuable.

I certainly agree we should get it, but it is a grant to the University of Toronto which does not come under the immediate direction or control of the government, as the hon. members know.

We have seen fit to encourage this research, this study, and I think the report we get will have value. It is perhaps a little more, I think, the type of research study that can be done here, perhaps a little more specific, a little more in-depth than perhaps could be done by the law reform commission, at this time.

Certainly it has quite a body of work on its hands and my thought would be that if you did assign such a study to the reform commission, which would be conceivable—

Mr. Singer: I am not suggesting that.

Hon. Mr. Wishart: No; but if you did, I think what they would do, as they do in many other studies, is to engage university personnel to do very similar type of research, perhaps not as deep or as detailed as Professor Edwards will do in the centre of criminology which is confined to that area.

Mr. Singer: Mr. Chairman, I have in my hand the third annual report of the Ontario

Law Reform Commission. I do not know whether Mr. Leal is here. He has been in and out during the course of these estimates and the Legislature has directed—

An hon. member: Does that fall under vote 910?

Mr. Singer: —that the law reform commission report to us annually. This is not an elaborate report and there is a vote later on where we will be able to ask questions about this.

Mr. Chairman: I was just checking that. I think it is vote 910.

Mr. Singer: Yes. But it occurs to me that if we are going to be asked year after year—and there has been such a precedent established now for about three years—to vote sums of money—they are not very large ones—to the centre of criminology, then we should get something like this, perhaps. This is not a very large volume nor a very elaborately printed document. It runs only some 19 pages. But if we had a few pages of report from Professor Edwards saying what he is doing so it would give us a little more enthusiasm in voting more money for him, it would be very helpful to us.

Hon. Mr. Wishart: I agree.

Mr. Singer: We would like to know what is going on in this.

Hon. Mr. Wishart: It has been mentioned to me that the Ford Foundation donates or makes a grant of \$200,000 to the centre of criminology—

Mr. Singer: And I am sure that they want sort of running reports too to make sure that their money is being well spent.

Hon. Mr. Wishart: We have spoken to Professor Edwards about this. He knows our thought. We have been saying that we would like to get now something to show and he says, "Well, we will get the first—"

Mr. Singer: This is scarcely the sort of thing, Mr. Chairman, that makes an intriguing episode during the course of our debates upstairs. The only time, really, when we get to talk about this is when we see this figure here. It would be most helpful if we had some better indication of what Professor Edwards has in mind and we saw some of the results of his efforts.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, please cut me off if I repeat anything that the member for Downsview said. This is the other topic that I wanted to go on to but I was interrupted earlier this evening and could not be here.

I had before me, and I believe it is the only document that I have ever received from the centre of criminology, this memorandum dated April, 1966, which refers to the establishment. I should say this is the last document that I have ever received pointing out that the centre of criminology was established on July 1, 1963.

It is a memorandum which they prepared for informational purposes setting out the creation of the centre and its objectives, its organization, members of the executive council, members of the advisory council and its location.

It also tells about the staff of the centre, about its library, and then it goes on to list a series of projects and studies which it was then undertaking. I would just like to put the eight of them on the record then ask, in due course, if the minister would get the information for us so that we can have some idea, before his estimates come back through the House, whether or not this is a matter which we should consider continuing this grant about. If a note could be made I would like to have, first of all, the budget of the centre. Secondly, its present organization—that is the members of its executive council, at this time, the members of its advisory council, the members of its staff and what other positions they hold in relation to their part-time functions with the centre and a report on current topics which are under study, and specifically a report on these projects which were set out in this memorandum of 1966.

Perhaps the minister would have some information on them now, but if not, perhaps he could get it—for the time when the estimates do come through the House: They are:

1. A project that will study in depth a process of sentencing in indictable cases, by magistrates, in the province of Ontario, during a 12-month period. The research is being carried out with the assistance and full co-operation of the Ontario magistrates, the provincial probation service and the various police forces. Estimated date of completion is 1967.

2. An examination of parole in the federal and provincial fields.

3. A study of the facilities in mental hospitals, forensic clinics and penal institu-

tions for the treatment of mentally ill offenders in the province of Ontario.

4. Research into the effectiveness of law enforcement machinery and of criminal sanctions in regulating illegal corporation activities.

5. A preliminary study designed to establish the feasibility of undertaking research in the area of halfway houses for offenders in Ontario.

6. An approach to the study of delinquency through an examination of the handling of troublesome children and truants in the school system of Metropolitan Toronto.

7. A long-term study to ascertain the true state of crime in Canada and to assess the state's machinery for dealing with this problem.

8. A study to assess the cost of crime in Canada. A long-term continuing research project is being planned to assess the financial aspects of crime prevention, detection and treatment.

Maybe some of the studies are completed. Maybe they are available, but a progress report on what is outlined in this memorandum and a present up-to-date progress report of what is presently being undertaken and planned with copies of the appropriate reports would be most helpful to us in deciding whether this foundation is fulfilling the kind of function which was envisaged when it was established and with which all of us agreed.

Hon. Mr. Wishart: Mr. Chairman, I have a great deal of the information here; in fact, it is in great detail.

Mr. J. Renwick: Have you?

Hon. Mr. Wishart: Yes.

Mr. Chairman: Would you care to summarize it for the benefit of the committee now?

Hon. Mr. Wishart: I could try to, Mr. Chairman. I do not know that I have the names of staff members. I have the project heads. There are several projects here. They give the estimated costs, completion dates and persons engaged upon them.

The sentencing project, I have made some reference to that. It is set forth here that the need that necessitated that study:

For some time magistrates in Ontario have been actively engaged in efforts to design and to improve the methods in sentencing, particularly to resolve some of the

glaring discrepancies in sentencing across the province. The Ontario Magistrates Association has sponsored regular sentencing seminars to which representatives of psychiatric services, correctional agencies and relevant departments of various universities have been invited to contribute to discussions that were made of this subject. Despite its importance, judicial decision-making is one of the least understood areas in the administration of justice. Judges and magistrates in many countries are recognizing that if sentencing is to improve, there is need to examine the methods used.

The project team on that is headed by Dr. John Hogarth. He is a PhD, senior research associate in the centre of criminology at Osgoode Hall law school and York University. Miss Barbara Schloss, BA, research associate and research assistant—

Mr. Singer: May I interrupt the Attorney General?

Hon. Mr. Wishart: Yes.

Mr. Singer: Is this a co-operative venture between Osgoode Hall and the University of Toronto?

Hon. Mr. Wishart: No—

Mr. A. R. Dick (Deputy Minister of Justice): Solely the University of Toronto.

Mr. Singer: How did you get Professor Hogarth from York?

Hon. Mr. Wishart: I guess he is brought in, and I am glad he is. There are other names of research assistants. The cost of completion of that project is estimated at \$86,200. The completion date for part 1 is in 1970, for parts 2 and 3 in 1971. That is on the sentencing.

The next one is called "The Parole Effectiveness Study," and the aims briefly are to describe and compare the adjustment of male parolees during the first year of release with that of other male ex-penitentiary inmates released at the end of their sentence and develop meaningful criteria from this description and measurement for the future evaluation of programmes; to assess the behaviour of parole supervisors and the effects of parole supervisor behaviour on the parolee.

The need that necessitated the study is set forth at some length. I think it would be quite apparent that the need is to determine how these parole methods work in society—how the parolee behaves and what can be

done to improve his behaviour and put him back in society in a useful way.

The project head is J. Ervine Waller, BA, research associate. The interviewers are Mrs. Joan Buchanan and Mrs. Muriel Johnston, and there is a secretary. The estimated cost of that project is \$91,800. The parole supervisor questionnaire report is expected to be completed by September 30, 1970. Parole and release followup studies are expected to be completed by September 30, 1971.

Then there is a parole inmate study. This study of the parole inmate is a descriptive analysis of the knowledge, beliefs and attitudes about parole, revealed by inmates of the federal penitentiaries and reformatories in the province of Ontario. There is a paragraph of considerable length about the problem which necessitated the study, and members of the project team are given here, if the member wants me to read all this.

Mr. J. Renwick. No.

Hon. Mr. Wishart: The estimated cost of that project is \$57,800. It is estimated to be completed by December, 1970.

Then there is a parole prediction study. The study is described as a random sample of approximately 1,000 decisions of the National Parole Board to grant or deny parole in 1962, 1963 and 1964. These have been analysed.

Mr. Singer: Mr. Chairman, we have discussed academics. It is not too hard to write out this kind of particulars of your studies. We would like to see some results.

Hon. Mr. Wishart: I agree with this. That project is estimated to cost \$71,700; to be completed late in 1970 or early 1971. There is a study—

Mr. Singer: These things sound fine, but we would like to see what they are producing.

Hon. Mr. Wishart: Yes. "Study on Public Attitudes Towards Crime and the Police," and that is supposed to be completed in June, 1970—that is very shortly—at an estimated cost of \$40,500.

"The Crime News Study" is the one I did not quite appreciate, I think, as to its content. The broad descriptive questions examined in this study are: The differences in crime reporting over six consecutive days and across 40 daily Ontario newspapers; the amount of news related to crime appearing in the newspaper; the nature of the news

related to crime; the relationship between reports of local crime activity and the actual level of crime in the community.

Mr. E. W. Sopha (Sudbury): Any sensible person reading a newspaper should begin at the back and get himself braced to get to the front page reading about all the mayhem.

Hon. Mr. Wishart: The project is estimated to cost \$15,650 and to be ready by September 1, 1970.

There are two others I will just briefly refer to. "The Study on the Economic Analysis of Crime and Criminal Justice" is to cost \$27,200; to be completed early in 1972. There is a "Nature of Crime Study" to cost an estimated \$55,580 and to be completed in 1971. Also, a "Legal Aid Study," and I think I might just mention that briefly. It is an investigation of the Ontario legal aid plan, which will entail the perspective and techniques of sociology, law and social psychology; to examine procedural descriptions and statistical indicators in the operation of the plan with comparison of legal assistance programmes in other jurisdictions for which there are comparable data.

Mr. Sopha: We were telling you last year, you recall, that divorces were costing too much and now I see we are substantiated by that committee.

Hon. Mr. Wishart: That project cost \$84,800.

Mr. P. D. Lawlor (Lakeshore): How much?

Hon. Mr. Wishart: It is \$84,800, and it will be completed for January 1, 1972.

The last one is a "Pretrial Disposition of Mentally Disordered Offenders." A description of the study follows, the need that necessitated the study. The project team is Mr. Richard G. Fox, senior research associate and Miss Patricia Ericson as a senior research assistant. Estimated cost \$80,170; to be completed in December, 1971. Then he had one, "Law Officers of the Commonwealth Study."

Mr. Singer: Why?

Hon. Mr. Wishart: Well, I do not know why he is studying law officers, but it says here:

The study builds upon and extends the original research which was published—

Mr. Singer: It might perhaps relate to the law officers of Ontario.

Hon. Mr. Wishart: Professor Edwards wrote a book, of course, called "The Law Officers of the Crown."

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, perhaps just to finish up on this point. The law reform commission, which of course is a later vote, appears pretty well exclusively to be dealing with civil matters. This is the area which seems to be dealing with criminal matters, but it does seem to me that perhaps it would be simpler and more efficient if, without enlarging the scope of the law reform commission other than to sort of use it as a funnel of information through to the government and to the members of what the centre of criminology is doing, it would be a useful function. They have sort of been one part of the law reform system, because many of these matters, of course, are just as urgent, if not more urgent, than many of the matters which the law reform commission is undertaking.

I am not advocating that the law reform commission get into the field. I am advocating that it have some sense of responsibility or supervision over the contribution which the Ontario government makes to this centre of criminology. I asked for the budget simply for the purpose of finding out the extent to which the Ontario government does support it in relation to other grants which it may get, because you cannot always call the tune unless you are—

Hon. Mr. Wishart: Paying the shot?

Mr. J. Renwick: —paying a reasonable portion of the shot.

The cost of those studies as outlined would indicate that there may be some merit—if there is a greater value to the province in consideration being given to increasing the grant, just as there may well be, if we look into it closely, some merit in decreasing the grant. The second point that I would like to make is that it may make sense—since this committee traditionally has been the legal and municipal bills committee, and not an estimates committee until just recently—might very well have, once or twice during the year, a carefully prepared meeting of the committee at which persons such as this would appear before this committee for the purpose of informing ourselves about what they are doing and hearing what they are doing, making some assessment of what they are doing—

Mr. Singer: And even obtaining some of their reports.

Mr. J. Renwick: And maybe even obtaining some of their reports.

Indeed, it may be that the centre of criminology peculiarly lends itself to that, but there may be other bodies which are closely related to this field, which is of great concern to us, which would make sense if we could invite them to come and exchange views with them, at least in a preliminary way, one or two meetings during the course of a particular session of parliament. It would be an initial step towards enlarging the function of a committee such as this.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Just one point that my friend from Riverdale mentions in this report of April 1966. First of all I would like to know what was happening with criminology. I have no doubt we were giving them grants. Three years ago we gave them double the grants we are giving them now, or about double, \$76,000.

I have not checked previous years, but they started in 1963. The first indication in front of us here is 1966. At that time there were seven matters under review of which four only are mentioned by the Attorney General in going over this matter, and none, although started in 1966, of these four has been completed. Some of them are not going to be completed until 1972.

I would like to know about the three matters that they had under advisement in 1966 about which no present mention is made. I trust that the work was completed in these areas.

I will remind you what they were. They had to do with illegal corporation activities, halfway houses and delinquency in the schools. I would like to know whether those particular—

Mr. Singer: Has the member for Lakeshore any information with reference to illegal corporate activities.

Mr. Lawlor: Yes, in reference to what Mr. Renwick had read. These are three areas in which I would trust that work was completed. Either that, or obviously it has been dropped. If it has been completed, I think we would all be interested in seeing the results in the area of halfway houses and delinquency schools particularly, although it does not, I do not think, have an immediate

impact upon your department, but for correctional services it would certainly have some impact.

And then, on the legal corporation activities considering The Business Corporations Act which we floundered through in the past several weeks which held you in abeyance. I mean, imagine doing that. It must have been important—

Hon. Mr. Wishart: Nothing much is being held in abeyance tonight.

Mr. Lawlor: It might have even had some impact on that. So I would like to know, in the next few days if you can let us have some information, what has happened to these three areas which do not come up again for review here in the review given as of June, 1970.

Hon. Mr. Wishart: Mr. Chairman, I would say this first of all, we are just as interested in getting these reports that I have indicated before. They are not published in black and white, completion date—

Mr. Singer: Did you not read us one that was promised in 1967?

Hon. Mr. Wishart: We have had talks with Professor John Edwards and said to him, we cannot keep on justifying these grants although we are only part of a very large amount of money he gets, unless you give us something. He is aware of this. We have some difficulty.

Our grant was larger two or three years ago. We reduced it because we were not getting, and we said this to him, we are not getting anything to show, and if we are to get Treasury Board to approve such grants we have to have some production.

I think I would like to suggest that I will take the transcript of the *Hansard* which is produced on these discussions and write him a letter to accompany it and show the concern of members of this committee, and also contain the suggestion that he might appear before us.

Mr. Sopha: That is all right. I have a pretty good memory. You were going to do that with the *Hansard* about the divorce fees last year.

Hon. Mr. Wishart: I do not think so, Mr. Chairman.

Mr. Sopha: Oh yes, you were going to send them the *Hansard* to cut down divorce fees, and now that committee—

Hon. Mr. Wishart: We have been discussing divorce fees and I think—

Mr. Sopha: That committee now reports that it accounts for most of the burden.

Hon. Mr. Wishart: Yes.

Mr. J. Renwick: Mr. Chairman, if we are finished with that particular topic, I would like to move on to another one. I believe this is the appropriate vote to raise it under because it provides the legal representation of the Crown for all criminal and civil courts in the province, and renders legal service to the government and the Legislature.

I am concerned that in the criminal courts of this province there is still in existence and still used, the evidence which is procured by the Royal Canadian Mounted Police and other officers of the federal government under writs of assistance, and to the extent that the Crown in the province has the benefit in the criminal courts of this information garnered by virtue of these particular writs, then I think it legitimately comes under this vote.

The minister may well—

Mr. Chairman: Order, please, gentlemen!

Mr. J. Renwick: The minister may well recall that I raised this matter in the Legislature in the specific instance back in either 1965 or 1966 in the case of a constituent of mine whose home had been raided by an officer under The Narcotics Act who was using this writ of assistance. I would like to put on the record—because I am still very much concerned about this problem—the fact that my recollection is that the minister said at that time that he would take this matter up with the federal government and get some response from them about these writs.

Hon. Mr. Wishart: Is that when we had the discussion on the Escobedo and Miranda cases? Was it in connection with those?

Mr. J. Renwick: It was around that time. This actually happened to be a man in my riding whose home was searched by the Royal Canadian Mounted Police, using a writ of assistance, which the holder of that writ had had in his possession by virtue of his office some eight or 10 years. They entered, searched the whole place and obtained the evidence on which my constituent was unfortunately finally convicted in the courts.

But that is immaterial. It would have made a wonderful case had he been acquitted

but he was not. But the particular reference, and I just want to read the head note so it will be on the record, is that *in re* writs of assistance in 1965, Exchequer Court reports, at page 646 and following.

Hon. Mr. Wishart: That is 1965?

Mr. J. Renwick: 1965. The Exchequer Court of Canada, page 646 and following. That Mr. Justice Jackett, president of that court, when asked to sign a writ of assistance decided that the matter should come before him formally so that he could look at the powers which were, or the obligation which was imposed on him, to issue these writs. Because I think he was under the impression that since you had to go to exchequer court judge that people would think that somehow or other the judiciary would be involved in exercising some kind of judicial judgment about the need for such a writ to be issued. He wanted that clarified and he wanted to make certain. He found in the event that he had to issue the writs, that he had no discretion at all. It was just a procedural device to get these writs issued. The head note reads that:

Writs known as writs of assistance have issued out of the Exchequer Court of Canada as a matter of course almost since the creation of the court. Being statutory writs they are, in effect, search warrants unrelated to any particular offence and are issued to members of the RCMP and other officers in the service of the government of Canada to have effect as long as the holder continues to hold the position by virtue of which the writ was issued to him.

In view of the extraordinarily wide powers so conferred by statute upon the holder of the writ and of its continuing operation, the court considered that it was of some importance to examine with care the circumstances in which one of these writs should be issued and the form which it should take so that the official advisors of the Crown were asked to submit their views on these two points.

It was held that—

Reference under The Excise Act, The Narcotics Control Act and The Food and Drugs Act the issuance of writs of assistance is mandatory upon a judge of the Exchequer Court of Canada on the specified application, without any other material except material to show that the person to whom the writ is issued is an appropriate officer.

(2) That under The Customs Act, having regard to the fact that the writ of assistance confers authority upon the person named therein to exercise the wide powers of search throughout the whole of his career and without limit as to place, it is very difficult if not impossible to conceive of any basis upon which a judicial discretion might be exercised. What advantage does it serve to determine that at the time of the issuance of the writ the officer is an appropriate person in whom to vest such extraordinary powers, when by the terms of the statute he is to continue to have the powers for a period that may extend to 20 or 30 years.

Similarly it is not possible for the court to exercise its discretion as to whether the particular circumstances in which the powers of search are to be used are appropriate for the exercise of such wide powers of search.

I emphasize that particular part.

(3) That there being no difference between the desirability of such writs being issued under The Customs Act and the desirability of their issuance under the other Acts there is a duty upon the judge of the exchequer court upon receipt of an application from the Attorney General of Canada under section 143 of The Customs Act for the issuance of a writ of assistance to issue the writ of assistance in accordance with the application conditioned only upon his satisfying himself that the person named in the application is an officer.

(4) That the legislation having ordained that the authority conferred upon a person holding a writ of assistance shall be evidence in the form of a writ issued out of the Exchequer Court of Canada and the court having to bow to such statutory direction. Nevertheless care must be taken to ensure that the writs do not say anything other than that which Parliament has directed and does not contain anything that is calculated to mislead the reader into thinking that the writ is anything other than that which the terms of the legislation require.

(5) That subject to certain changes to be made in the document, the applications are granted.

What he is really saying is, for practical purposes, we have to issue these writs when they come before us if they comply with the requirements of the particular Acts of Parliament. There is some historical reference to

them going back, of course, to the 17th century.

In more lay terms, there is this note in the paper which simply said that,

One of the lesser-known but powerful devices used by the mounties in gathering drug evidence is the writ of assistance. These writs are blanket search warrants which can be pulled out of the office safe and used time and again. They are issued in the name of the officer by a judge of the Exchequer Court of Canada. The writs are issued under The Narcotic Control Act, The Food and Drug Act, The Customs Act and The Excise Act.

Section 10 of The Narcotic Control Act provides that:

The peace officer may; at any time, without a warrant; enter and search any place other than a dwelling house and under the authority of the writ of assistance and a warrant issued under this section, enter and search any dwelling house in which he reasonably believes there is a narcotic by means of or in respect of which an offence under this Act has been committed. Search any person found in this place.

The RCMP has hundreds of these writs good for as long as the officer named is with the force.

In March, 1962, the then Justice Minister tabled in the House of Commons information that members of the RCMP held 2,047 writs of assistance mostly under The Customs and Excise Act, including 118 under The Narcotic Act. There is no reason to believe that the number has been diminished. The RCMP claims use of the writs is periodic and reviewed by headquarters and the Justice Department.

All I am simply saying is that I would ask the minister if he would raise this matter with the Minister of Justice in Ottawa to see whether or not the public interest requires the continuance of this kind of a writ because it seems to me that it does run very contrary to the generally accepted view about the right of a person not to be subject to search in his home or in any other premises unless the particular police officer has gone before a judge and shown a specific reason for that specific search which he intends to carry out? Whereas—

Mr. Sopha: Reasonable provocation.

Mr. J. Renwick: Reasonable—for the specific purpose, not just walking around the

street with a form in his pocket that he can use if and whenever he chooses to do so on his own judgment and without anybody else to superimpose their judgment upon it.

It just seems to me that they are completely out of date at the present time. I am quite certain that the RCMP's view will be in the public interest under The Narcotics Act and The Customs and Excise Act to require the continuance of these writs, but I would ask the minister if he would raise it with his colleague, the Minister of Justice, in Ottawa.

Hon. Mr. Wishart: Mr. Chairman, I would be glad to do that. I think perhaps what I shall do is write the Minister of Justice relaying the comments of the member for Riverdale—

Mr. Sopha: Send him a copy of *Hansard*.

Hon. Mr. Wishart: —and perhaps my own views. Then perhaps we can get it on the agenda for a federal-provincial meeting of all the Attorneys General in July with the Minister of Justice. I do want to make it clear for the record that we do not use these writs in Ontario.

Mr. Sopha: Oh, yes.

Hon. Mr. Wishart: They were, I recall, in the hands, particularly I think, of the Ontario Provincial Police some years ago.

Mr. Singer: Issued by justices of the peace who were provincial policemen, at one stage.

Hon. Mr. Wishart: They were generally used in liquor cases.

Mr. Sopha: Yes, under The Liquor Control Act.

Hon. Mr. Wishart: Under The Liquor Control Act but we dispensed with them and I am happy to say that we do not use them. The prosecutions under The Narcotics Act, The Excise Act, and the various Civil Acts were probably where these writs were used. They appoint their own prosecutors. We do not even ask.

Mr. J. Renwick: But they do come before the provincial court judges?

Hon. Mr. Wishart: They come before our judges, yes. These are federal—

Mr. J. Renwick: Yes, but there are cases in which, for example, the Ontario Provincial Police or the particular force in a municipality would be with the Royal Canadian

Mounted Police officer or other officer when he goes to exercise—

Hon. Mr. Wishart: Right. Yes. They do assist in an investigation.

Mr. Lawlor: Some of the most glorious pages of English history, I believe. I think of the 17th century. I think of the whole American Revolution particularly with the retainer clause, but they are tied in with it.

The bill of rights in the United States specifically excludes this particular arbitrary power. Bring all this to attention, please.

Hon. Mr. Wishart: I shall quote your words.

Mr. Singer: Mr. Chairman, on another point—

Mr. Chairman: I have the member for Riverdale, then I will come to the member for Riverdale.

The member for Riverdale.

Mr. J. Renwick: I need a little guidance on the next point, Mr. Chairman. Is this the appropriate place at which the question of sentencing should come up, or is there another vote where it would be more appropriate?

Mr. Chairman: Court administration perhaps? 904?

Hon. Mr. Wishart: I think vote 904.

Mr. J. Renwick: Vote 904 would be the answer?

Mr. Chairman: It seems to be appropriate—

Mr. J. Renwick: Administrative services? I mean, you said 904 would be a suitable place?

Mr. Chairman: It seems to be the consensus. At the end of vote 904.

Mr. J. Renwick: I assume that the same would apply to questions with respect to Mr. Singer's elusive friend, the bail magistrate?

Interjections by hon. members.

Hon. Mr. Wishart: I do not think he will be needed at all in the light of Mr. Turner's new legislation.

Interjections by hon. members.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, there is an item under crown counsel prosecutions \$200,000. Could you tell us what that is?

Hon. Mr. Wishart: Those are the crown attorneys that we engage in all the areas of Ontario, particularly outside York, where we need a man for a day for a case to assist the full-time—

Mr. Singer: These are part-time attorneys?

Hon. Mr. Wishart: Part-time in the sense that they are engaged for a particular case for a day. They are on our list that we may call upon them if they are able to serve. We pay them for their day's work.

Mr. Singer: How are these people chosen? Do you have a roster of them?

Hon. Mr. Wishart: Generally, the crown attorney of the area writes in and says: "I need some assistants. There are four courts in my area or five. Three of them may be going one day and there are just two full-time crown attorneys here. Could we have some assistants from time to time?"

He may mention one or two names of lawyers whom he has observed in court. Sometimes we get an opinion on the assessment of that man's ability, check to see how long he has been out from law school, the type of work he does and so on and if he seems satisfactory, ask him if he will serve, and appoint him.

Mr. Singer: Are the rates of pay standard or on a sliding scale?

Hon. Mr. Wishart: They are fixed, I am told, by Order-in-Council.

Mr. Singer: What are they?

Hon. Mr. Wishart: The rate is \$20 per hour.

Mr. Singer: How much per day would be the maximum?

Hon. Mr. Wishart: The maximum is \$100 a day.

Mr. Chairman: Any further questions?

Mr. Sopha: Yes, I wanted—

Mr. Chairman: The member for Sudbury.

Mr. Sopha: I wanted to raise with the Attorney General the situation in Sudbury. I am not going to begin where I was going to begin; I just want to say to my colleague

from Downsview that they make widespread use in Sudbury of assistant crown attorneys on a *per diem* basis. As far as I can see, the way it is done, if you want to know, the crown attorney begins to phone around in the morning to see who is available from the various law firms. He spears the person who has nothing to do that morning. He hastens up to the court house and arrives in there breathless. When they begin to present the cases, while the first witness is walking to the witness box, the *per diem* fellow is reading the docket for the first time—the dope sheet. By the time the witness has been sworn he has a fair idea how the motor vehicle accident happened. He says to the police witness, “You were present on March 14?” He says “Yes”. “Tell us all about it, will you?”, and thus the thing proceeds.

Mr. Lawlor: You do not need a—

Mr. Sopha: These are very important young fellows. I turn to the larger question. I hope to have with me the press release from the press conference of W. G. Mahaffey at the time that he resigned, a couple of weeks ago, from the office of assistant crown attorney. Strangely enough in the library the newspaper of May 26, which was the day he held the press conference, does not contain that news story that was in the issue at home.

Hon. Mr. Wishart: Is this what you would like?

Mr. Sopha: Is that it? Yes.

Hon. Mr. Wishart: It is short.

Mr. Sopha: Yes, thank you very much.

He had an even lengthier one. He had a three column one and here is what he said; here is the material part:

Citing lack of direction in the crown attorney's office, senior assistant crown attorney W. J. Mahaffey submitted his resignation today, effective July 10. As to the definite structure of the crown attorney's office in Sudbury, Mahaffey said “We are in a constant state of limbo; there just seems to be a lack of direction of where we are at—

He speaks better English than that.

Hon. Mr. Wishart: Maybe that is why he resigned.

Mr. Sopha: He has been there I do not know how long; probably two years.

Hon. Mr. Wishart: How old a man is he then.

Mr. Sopha: He would be about 28 or 29.

Hon. Mr. Wishart: A very young man.

Mr. Sopha: He has been there about two years and he has been very competent and served very faithfully and industriously. Now the problem in Sudbury has always been—We have a very able crown attorney there who was brought from Haileybury—Mr. Spence Stewart. He come from Timiskaming to be crown attorney at Sudbury. He was a very able person and was given—contrary to what Mr. Mahaffey says—a good deal of direction.

But he suffers from a chronic shortage of help and competent assistance. He never has enough staff, and he has to staff two provincial judges' courts which are going full blast from ten o'clock in the morning most days. Then he has the high court assizes twice a year and the general sessions of the peace twice a year, many cases of speedy trial before the district judge's criminal court, and numerous appeals.

That is all the cases I lose—I never appeal the ones that win. To be serious, there is a tremendous burden of work, and it is sad for me to say but the criminal docket in Sudbury is a very very busy one. They are chiefly related to the motor vehicle and the devastation that it can do. As the deputy minister said one time, very accurately, Sudbury has some of the worst drivers in the whole of the country.

Mr. Singer: It keeps you in business.

Mr. Sopha: That gives a picture of Mr. Stewart's responsibilities. Sometimes he has had three assistants but most often two because the Attorney General has had personnel difficulties with the assistants through no fault of his own. As far as I can see he is down to one. Incredibly, the Attorney General imposed upon him responsibility for Parry Sound in addition to Sudbury. He had for a long period of time responsibility for the court of Parry Sound and he had to either go himself or send an assistant to Parry Sound one day a week to look after that court, and he was the peace officer of Parry Sound, as well as of Sudbury.

Then in addition to that he has the court in Espanola; the whole of Manitoulin Island, where they hold courts at three places—Gore Bay, Little Current and a special court on the reserve, the unceded Indian reserve on the

east end of the island. They go, I think, once or twice a month to Wikwemikong and hold a court there that they hold exclusively with Indian offenders. So you can see the tremendous area jurisdiction that he has and the frenetic life that he leads in trying to get adequate personnel to do the multiplicity of things that confront him daily.

In addition to that, Mr. Stewart has faced an almost insuperable difficulty in that since he removed from Haileybury to assume the office in Sudbury, after the unfortunate and untimely passing of the crown attorney there, he has been unable to sell his house in Haileybury. There appears to be just no market for his house; there are no buyers of the very fine house which he owns on the lakeshore in Haileybury, a very pretty Ontario town. He put up a considerable equity in purchasing the house, and he has been unable to sell it and perforce his wife and children have remained in Haileybury.

Now to show you the burden upon the man. I sometimes wonder if the head office really appreciates the extent of the burden. I recall one day very recently he was in the provincial judge's court in Sudbury, prosecuting the docket, a heavy docket. Do you know that some days we have as many as 105 cases to be taken by one magistrate—that is one court? It is the same situation next door—and just let me digress there to show you; one will sort of get towards the end of the list, then there will be a flurry of moving informations, witnesses, accused people, lawyers, from that court to the other one so that the burden can be shared.

This day that I speak of that he was in court prosecuting and there was a telephone message from his home in Haileybury to the effect that his young daughter—I believe something like five or six years of age—had been hit by a dart in her eye. The dart was still imbedded in the eye and he had to rush out to make arrangements for the child to be brought to Sudbury for treatment where there is the only ophthalmologist that practices in northeastern Ontario. Well that shows the things that can happen to a man who is separated perforce by his work.

All of those things oppress. Mr. Stewart has been commended to the Attorney General by several of the supreme court judges. I know for a fact that Mr. Justice Moorehouse went out of his way to commend Stewart's work to the Attorney General. He is a very industrious, very serious fellow. One thing I like about him, there are no deals with

Stewart, you know. That is the way it is going to be, run the thing through, take your chances, you know. I like that about him.

Mahaffey left in a huff. He said there was a state of limbo, "we never know what we are doing," and certainly Sudbury is an important area of criminal jurisdiction. In fact, a good deal of law is made out of Sudbury in cases that go to the court of appeal. Many principles have been established because, unfortunately, we have too many crimes of violence there. But I suppose that is a reflection of the nature of the community and I am saying that to impress the necessity of a special consideration for the crown attorney's office in that community.

Another thing that does not ingratiate Mr. Stewart to the head office—he calls this down here the head office, and he treats them with a good deal of standoffishness. He has the Henry Bull syndrome about him.

Henry Bull always maintained that he was not an agent of the Attorney General in York—that he was not his servant, he was not responsible to him—that he was appointed by order-in-council and he was therefore responsible to the cabinet, and through the cabinet to the people, and he did not have to take any direction from head office. Spence Stewart has that Henry Bull syndrome that he looks with a good deal of the Missouri aspect on the advice he gets which seems to pour forth from the head office down here on how to prosecute and what to do. They are never short on advice. That has not ingratiated him, I suppose, to a good many people in the home office of the department.

That is the situation. I talked to him about it; he has talked to me about it. In the last conversation that I had, I said just when things would seem to be going so well here in the administration of justice, it is a pity with Mahaffey's resignation that everything has to get upset again and get dislocated.

I wish that we could set up, once and for all, and get adequate staff up there. You ask me how many he needs. Well, I calculate—you have not asked me, but I will tell you how many he needs—besides himself he needs a minimum of three fulltime men.

Hon. Mr. Wishart: You mean in addition to Mahaffey—in addition to Stewart?

Mr. Sopha: In addition to Stewart. He needs three fulltime assistants to look after those outlying courts, the work within the city—and nothing to do with Parry Sound.

Now there is a baleful aspect about this hiring of the per diem. I do not like it. I

have never prosecuted a person in my life; I do not like it. I do not like to see these fellows, one day at one end of the counsel tables prosecuting and—well, the same morning they will be at one end of the counsel table prosecuting. Then they are over at the other court defending. The next day they will be back in this court defending. That is a type of conflict that does not look well in the eyes of the public, in my view, and it is not fair to the provincial judges either, I do not think. The appearance of justice is the important thing. Finally, if we had about three more fulltime assistants, we would be well off. If they would settle Mr. Stewart's problems in some way—and I do not think it is asking too much if he cannot sell his house and God knows he has made every effort—perhaps the province could buy it and use it for some provincial purpose—

Mr. Singer: A northern information centre.

Mr. Sopha: Some official in some department—there may be a possibility—I do not know whether that has been explored. Mr. A. F. Lawrence's northern retreat. That is it.

Mr. Chairman: Does the minister care to reply?

Hon. Mr. Wishart: Mr. Chairman, I am really indebted to the member for Sudbury. I think he has outlined the situation there with more knowledge than I had of the detail although I have been fully aware of the situation in Sudbury. Of course, we have had our problems trying to keep the complement full. I think we have an excellent man in the crown attorney, Mr. Stewart. Certainly his attitude, which the member referred, of a somewhat independent view has not brought it down at all in my opinion, although I think we would have means of making our wishes known, if that became necessary, in instruction or direction.

I would say Mr. Mahaffey sent his resignation under date of May 27, by letter, to Mr. Stewart. Mr. Stewart sent me what appears to be the original letter. I think I should read it.

Dear Mr. Stewart, I would appreciate it if you would convey to The Department of the Attorney General that it is my intention to terminate my employment with the Ontario government as an assistant crown attorney for Sudbury. The resignation will be effective immediately after July 10, 1970.

He is still there at the moment for another month.

It is my desire to remain, if possible, as a part time assistant crown attorney should this conform to department policy. Yours truly.

That was dated May 27. Mr. Stewart sent it on to me immediately; his letter is dated May 28, and he sent the photostatic copy of the article in the newspaper. It mentions:

Since I have consulted Mr. Mahaffey about this matter, he said he was misquoted. Anything he did say was taken out of context.

That is not quite an unusual complaint sometimes, but I think that the gist of his complaint is there. Mr. Stewart indicates:

I am quite content and will indeed recommend Mr. Mahaffey as a part time assistant. He has agreed to look after our Espanola court for us.

I have not read all of Mr. Stewart's letter. He gives me what he considers to be some of the reasons for Mr. Mahaffey's resignation. I think basically it comes to this indicator: He wants to get into practice on his own, but he would like to still be with us as a part-time assistant and has agreed to look after Espanola as that comes about.

With respect to Parry Sound, I think we will be able to make arrangements either to take care of that area without burdening Sudbury or else to have sufficient complement in Sudbury that it will be capable we can take care for Sudbury content. I do not think there is much I can add. We will, of course, look at the situation to see if we can find—

Two, three—there is one now.

Mr. Sopha: McCash.

Hon. Mr. Wishart: McCash. You say we perhaps need two more; I think that is not out of the way for the size of Sudbury and the area, and the number of cases that are available. But we will have to seek personnel. It is very hard to get, when the law practice is so affluent today in an area such as Sudbury. But we have just got this. This letter came on June 5; it was mailed from Sudbury on May 28 apparently, or at least dated May 28. I have just had it with the things that among other things, since this committee has kept me busy a good deal of hours, I have not got time to respond. But we shall be looking at the situation and dealing with it as we do from time to time when we meet these situations. I hope it will not be as serious as the county of York.

Mr. Sopha: Will you look into this house problem again?

Hon. Mr. Wishart: Yes, now we have made arrangements. I know he wanted to start out of Haileybury. It is an attractive town, a county town. He lives up there. The judge lives there. It is a very pretty area. I am surprised he has not been able to dispose of it, although I suppose that activity in Haileybury commercially has fallen away. We have made a substantial allowance for him for travelling. I hope and he hopes, I know, that that will come to an end.

We will give Mr. Stewart, of course, every consideration and he is worth it, and if he does need the assistance, we will try to find it for him.

Mr. Chairman: The member for Parkdale.

Hon. Mr. Wishart: I think the member for Sudbury might give him some assistance.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I was going to ask the Attorney General if he thought his main problem of not being able to obtain sufficient numbers of crown attorneys or assisting crown attorneys is the pay scale. Is that the main reason? Obviously, I think you have a problem.

Hon. Mr. Wishart: I was hoping that you would not ask that, but since you did, we did discuss it yesterday, and I think I have to admit that we probably have done a good deal in raising the pay scale. We have not, perhaps, gone high enough to attract all the parliamentarians we like, in certain areas at least.

Mr. Trotter: You are talking about Sudbury or Toronto. You seem to have a problem. That covers a good part of the province so that you are obviously going to look at your pay schedule.

An hon. member: Does the vote carry, Mr. Chairman?

Mr. Chairman: Just a moment.

Hon. Mr. Wishart: Well, the assistant crown attorney in Sudbury would be entitled to a salary in the range of \$22,000.

Mr. Singer: That is not a small salary.

Hon. Mr. Wishart: It is not really that the salary is low. It is that the practice of law, particularly in busy areas, is so attractive that now, for instance, Mr. Mahaffey has no doubt in his mind that he is going to

go into private practice. He is going to make more money.

At the same time he wants to keep his hand in and he puts it on the basis that he would like to be of assistance to us as a crown attorney. We could probably make use of that, although I agree with the member for Sudbury, we do not, if we can avoid it, like to hire, at least be paying too many parttime assistants who one day are defending and another day prosecuting.

But now, and in some instances, I have been able to insist and get parttime assistance and say to him: "You will act as a parttime assistant. It will only be on the understanding which is adhered to that you do not take any defence work in a provincial judge's court."

Mr. Chairman: Gentlemen, is there any further discussion on 902?

Mr. Bullbrook: I just want to know why you do that sometime.

Hon. Mr. Wishart: I do it when I can accomplish it.

If I were to say that to Mr. Mahaffey, for instance, if I may use him, he would say I would be glad to act as a parttime assistant. I am quite certain since he is leaving a full-time job, I am quite certain that if I said to him: "Look, you are going out on private practice. I would like you to act as a part-time assistant, but I must ask you not to go into criminal court, provincial judges' court at all," he would say: "No, I can make four times as a defence counsel as you would pay me occasionally as a parttime assistant."

Mr. Bullbrook: I just want to record one thing. I understand from your response that the people chosen to act as parttime are chosen as a result of a list forwarded to you by the crown attorney?

Hon. Mr. Wishart: Well, I get it from various persons, I think, the crown attorney. Sometimes the judges say, "We observe that you need assistance in the court, and we have observed certain lawyers practising before us, and they seem to be capable, and we might think of the possibilities of these appointments." Then I make an assessment of their background, their training, their educational background, their experience and so on, and seek them out and see if they will be prepared to accept them.

Mr. Bullbrook: Those are the criteria that you have just lodged in *Hansard*, those are

the criteria that you use in assessing who should be appointed assistants on a part-time basis?

Hon. Mr. Wishart: Yes.

Mr. Bullbrook: There is no other criteria?

Mr. Sopha: There is no political competition to it at all?

Hon. Mr. Wishart: No.

Mr. Sopha: None?

Hon. Mr. Wishart: None.

Mr. Sopha: None?

Hon. Mr. Wishart: Not really, no. That is fair to say.

Mr. Chairman: Gentlemen, any further discussion?

Mr. Yakabuski: One last shot, Mr. Chairman. Is it true that there are many practising lawyers who are interested in parttime work; they want a little bit of the best of both worlds? They do not want to be tied down, but they would like a little of both worlds. They learn something too.

Hon. Mr. Wishart: I think there are a small number, relative to the profession, who are prepared to serve as parttime crown attor-

neys. In Sault Ste. Marie—which I know, of course; it is my own city—I think I have one parttime. There is the crown, two fulltime assistants, and one on whom we can call for parttime assistance.

Now, in Hamilton—I do not know; I have not got the figure before me—I would think there are half a dozen, or maybe even 10. In some other cities, such as Kitchener, Guelph, Sarnia or Ottawa, you might find seven or eight, five, six.

Mr. Yakabuski: You would say that in the smaller Ontario towns they are more interested because their practices are not as lucrative as they are in some of the larger cities?

Hon. Mr. Wishart: Oh, I do not think that follows. I think Sudbury, where the hon. member for Sudbury comes from, is probably one of the best towns—or, let me put it this way, one of the busiest towns in Ontario.

Mr. Chairman: Poor drivers.

Hon. Mr. Wishart: Poor lawyers.

Mr. Chairman: Anything further, gentlemen?

Vote 902 agreed to.

The committee adjourned at 10:35 o'clock, p.m.





ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Wednesday, June 10, 1970

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JUNE 10, 1970

The committee met at 3.35 o'clock, p.m., in committee room one; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (continued)

Mr. Chairman: Gentlemen, if I may call the meeting to order. Are there any substitutes today from the NDP or the Liberal caucuses for members on this committee?

Mrs. J. Renwick substituting for Mr. Deans.
Any other substitutions from the NDP?

Mr. Deans is a member of this committee. Mr. Shulman is not.

An hon. member: Has the Attorney General (Mr. Wishart) any remarks as to how he is being treated by the Mafia at the moment?

Mr. Chairman: Again, for the record, we have Mrs. M. Renwick, the member for Scarborough Centre, substituting for Mr. Deans, and Mr. Ben, the member for Humber, substituting for Mr. Sopha, the member for Sudbury. From the Conservative caucus we have Mr. W. Newman, Ontario South, substituting for Mr. Demers; we have Mr. Henderson, Lambton, substituting for Mr. Dunlop, York-Forest Hill; we have Mr. Allister Johnston, Parry Sound, substituting for Mr. Hamilton, Renfrew North; we have Mr. Kennedy, Peel South, substituting for Mr. Robert Johnston, St. Catharines; we have Mr. William Hodgson, York North, substituting for Mr. Morin, Ottawa East, and we have Mr. Caruthers, Durham, substituting for Mr. Yakubski, Renfrew South.

With that, I think we can get on with the debate on vote 903. The member for Downsview.

On vote 903:

Mr. V. M. Singer (Downsview): Mr. Chairman, on vote 903; legislative counsel. As I understand it, that branch of government service presently consists of four lawyers who are legislative draftsmen—perhaps there are more—Mr. MacTavish, Mr. Alcombrack, Mr.

Stone and Mr. Anderson. There may be some more that I am not familiar with. Are there?

Mr. A. R. Dick (Deputy Minister of Justice and Attorney General): Yes.

Hon. A. A. Wishart (Minister of Justice and Attorney General): Mr. Harcourt and Mr. Fader.

Mr. Singer: Seven altogether. Now these gentlemen, I have discovered over the years, are very able, very conscientious and very hard working, and I do not know whether they draft all the bills. I suspect there are a number that they do not draft, because we have seen some pretty poor examples of draftsmanship.

Probably the worst one I have seen is the recent one introduced by the Minister of Lands and Forests (Mr. Brunelle) about taking fish out of the Great Lakes. As an example of bad draftsmanship and unclear language, I do not think I have seen a worse example. If Mr. Alcombrack's department was responsible for that, shame on them. I suspect it came out of that department directly.

My concern, Mr. Chairman, is that in this very important facet of government service, which is perhaps not the most dramatic or appealing service to attract young lawyers, efforts have to be made to bring more and more people into that service because it is very important that we express ourselves as clearly as we can.

I suspect, too, that very frequently when we see the great number of references to what can be done in regulations, many ministers in many departments, when they give instruction, are loath to spell out specifically what they want to do. They would rather leave many matters to be held in abeyance until a latter time.

It would seem to me that if our system of legislative drafting was more forceful, if that branch had greater strength, that greater service, better service would be given to the people of Ontario by reason of more understandable and more easily interpretable statutes.

I noticed that the federal government was advertising recently in the papers to the effect that it was prepared to grant fellowships in the amount of \$2,500 each to train a series of students—I would think graduate lawyers—who have been preparing themselves—

Hon. Mr. Wishart: He has corresponded with us about this.

Mr. Singer: Yes. So, with those remarks, depending on what the Attorney General has to say, I thought I would bring those matters to your attention. I feel that this branch of government should be expanded, that all statutes that we see should go through the legislative draftsmen.

Mr. Dick: They all do.

Mr. Singer: And I think the department has to be strengthened, because it is a very complicated and very technical job, and we do see some horrible examples of draftsmanship from time to time in some of the things that are presented to us.

Mr. Chairman: The member for Humber.

Mr. G. Ben (Humber): Before the Attorney General answers the hon. member for Downsview, I recall a statement made by the hon. Mr. John Turner, the federal Minister of Justice, and I think he was pointing out at that time that there were only 29 legislative draftsmen in all of Canada. I believe, if my memory serves me correctly, the federal government had nine, or is it 19?

Hon. Mr. Wishart: We have now seven.

Mr. Ben: Seven? I think it must have been nine. The rest were spread throughout Canada. He said it was a very complicated field, as the hon. member for Downsview has pointed out, and for that reason they were offering these bursaries to encourage more people to go into it because it has a language of its own.

It strikes me that perhaps we have a lot of careless drafting here because our draftsmen are overburdened with work, and a lot of it could be from private members.

I do not know whether the legislation of Mr. Morton Shulman, who is the member for High Park, was prepared by an outside office or whether it was prepared by legislative counsel, but if it was prepared by legislative counsel it stands to reason that a considerable time of the draftsmen's department was taken up drafting this legislation.

Lest anybody in the NDP feels that by mentioning Mr. Shulman's name I am picking on him especially, I should point out that perhaps we could levy the same charge against a member of our own party, Mr. T. Reid, who has, I understand, about 15 bills on the order paper at the present time.

I feel there must be some other solution than to just prepare all these private members' bills and throw them into the order book with not the—well, let us put it this way, Mr. Chairman. Nine-tenths of the private members' bills, on the order paper, have about as much chance of being debated as a calico dog with elephant's legs has of catching an asbestos cat running through a fire.

So, to me, it is just nonsense to spend—what is it?—about \$200 a page for the printing of these things, distributing them and putting them into the order book and then just having them sit there. I think if we cut down on these private members' bills and have the concepts introduced in some other way, we might be able to get better original draftsmanship.

I have a strong suspicion, Mr. Chairman, that when the legislation draftsmen prepare private members' bills they take great care not to word them the way they would word them if they were doing it for the government, the reasoning being that should the government wish to adopt the principle enunciated in the private member's bill, they would be very reluctant to adopt the wording verbatim.

So the legislative draftsmen find themselves in a peculiar position—at least this is my humble opinion—that in drafting bills for private members, they take care to leave themselves sufficient scope so that they can reword the same principle in such a manner that it does not appear to be plagiarism, if I may put it that way.

I think this is putting an undue burden on these fine gentlemen, as sometimes perhaps they know—as they must, since they do all the drafting—that the government has in the bin a bill containing the very same principles, and that they must prepare a bill for the government, or they are preparing a bill for the government, on the very same point on which a private member wants a bill prepared. I think one has to have less effort put into it or one has to be not quite as good as the other, because, surely, the private member's bill cannot be better drafted than the government's bill which is going to be passed.

Perhaps what we have to do in this line, Mr. Chairman, is set up a drafting department

whose sole responsibility would be to the opposition, or else allocate sufficient funds to each of the opposition parties so that they can hire a draftsman. That would do two things: one, it would take the physical load off the present legislation draftsmen in the Attorney General's department; and secondly, I think it would take a little bit of that—shall we call it for want of a better word, burden of principles or moral load—off them.

They find themselves being asked to prepare not perhaps just two bills on the same subject, but as often occurs, three bills—one for the government and one for each of the opposition parties. I think that you should give serious consideration to something along that line.

Mr. Chairman: Could I ask the member for Riverdale, is his question on this same point?

Mr. J. Renwick (Riverdale): No.

Mr. Chairman: Then perhaps we could hear from the minister and then I will come back to the member for Riverdale.

Hon. Mr. Wishart: Mr. Chairman, it has been pointed out that there are now seven legislative counsel. This is in our department here, and I think in a branch of the legislative counsel, this is a specialized work requiring skill—special skill—and training. It has been mentioned that the Minister of Justice has initiated a plan of scholarships for lawyers who wish to specialize in this work. He has written us about it; we have corresponded with him; we are seeking some candidates for that course to get these scholarships. I think this is next in thought, but I think—

Mr. Singer: Are you participating?

Hon. Mr. Wishart: Well, it is just about to be—

Mr. Singer: No, I do not mean by nominating people; by giving some money.

Hon. Mr. Wishart: No. I do not think we have anything in our estimates for this.

Mr. Ben: Why not?

Hon. Mr. Wishart: Well, the federal government has much more funds than we have. We like to give them full credit.

If we save our money here, we could maybe pay; it is a salary that perhaps counts when it comes to hiring. No, I am being serious—I think it is excellent that this pro-

gramme is going forward, but I do not believe, I say to the hon. member for Downsview, that we need, at this moment, to expand and to enlarge this branch greatly. I think the men there will tell you that they are able to cope with the work that comes before them.

As to how it is done, I think there was a time when departments largely drafted their own bills—Lands and Forest, Highways, and so on; I mention one or two of them. But it is now government policy that all legislation from whatever department it comes, comes through The Department of the Attorney General and is examined and vetted there. I think this has been done for two to three years.

Mr. Dick: That has always happened. There are very few bills not dealt with by the legislative counsel.

Hon. Mr. Wishart: Mr. Dick tells me that it has always been policy, but I think he will agree with me that there were occasions when perhaps there were some bills that did not get through the office of the legislative council in my time here.

Mr. Ben: Well, if I may again, Mr. Attorney General, I draw your attention to the bills that had been introduced by the previous Minister of Health in accordance with the recommendation of the law reform commission, and all those bills were worded the same way; they were a series of bills. Then the then Minister of Financial and Commercial Affairs, Mr. Rowntree, introduced a batch of bills for the same purpose, also in keeping with the recommendations of the law reform commission.

I recall at that time pointing out that although all the Minister of Health's bills had the same wording, serving the same purpose—the ambulance bill, if you remember, the nursing home bill—and also that the Minister of Financial and Commercial Affairs' bills were consistent in their wording. However, the two batches were not consistent between each other, and I had suggested having identical wording for all the bills, where they set out exactly the same grounds which had to do with appeal—appeal to the minister, and then appeal to the court of appeal—they were all saying exactly the same thing in different words, and I suggested at that time that they ought to be worded identically. But they are not worded identically.

Hon. Mr. Wishart: No, well, this is a subject to which we have devoted our attention. The hon. member will recall that last year

I introduced in the House The Statutory Powers Procedures Act to cover the procedures of application for licensing, appeal, and so on, where powers are given under statutes to boards, agencies and commissions and ministers of government. Also, The Judicial Review Amendment Act will provide certain definite procedures in line with the McRuer recommendations for judicial review.

These bills have been left on the order paper through last session; naturally they died but I have the new bills now ready, after constructive criticism and suggestions and review and so on. They will be introduced again I trust shortly; they are ready. Then, when that is done, of course, they will cover this very point, that all departments will be subject to the provisions there set out in those bills, so that all the procedures will be uniform and the steps by which the ministers, commissions, boards and so on will act, will be known and whether matters are of record, whether there is a right to examination, cross-examination, presentation of evidence, how it is done, and so on. These things are very important and very essential.

I must say that in the instances to which the member for Humber refers, I think as I recall there was discussion, and that by reason of the nature of the work, the nature of the hearings, the nature of the subject matter, we deliberately permitted, I think, some change in certain procedures. I think so.

An hon. member: Oh, I would not say so.

Mr. Ben: The parts I am referring to were absolutely identical—

Hon. Mr. Wishart: Yes, but the hon. member said, "then they came in and said they were not the same".

Mr. Ben: They were; the end result of each section was identical, except that they were not worded the same.

Hon. Mr. Wishart: Well, not the language. I think there were some slight differences by reason of the difference in language. However, that is only from recollection.

Mr. Ben: This is what I have been trying to say, that there should not have been any difference in language because they were trying to say just exactly the same thing.

Hon. Mr. Wishart: Well, perhaps. Anyway, we will be curing that by the two pieces of legislation, two very substantial bills which I will be presenting. As to the attention given

by legislative counsel to private members' bills, I have never inquired specifically to this. But I have read a good many of those bills, and I think they are carefully drafted. I do not think it is fair to say that legislative counsel do not give to them the same attention, insofar as they are concerned in drafting, as they do to government bills.

I think the difference is this. A private member presents, perhaps his wishes, his point of view, of what he wants to accomplish. He may present some sort of a rough draft, or a draft which he has had someone else prepare. But the research, the background study, has not been done to the same extent by any means on the great majority of these private members' bills, as is done on the government bills. When it is a department of officials with its own counsel to study, examine and produce the matter, then there is a very definite statement of policy which the government has determined as a government which must be incorporated in the language of that bill.

I would think it almost apparent, immediately, that the private member's bill does not carry with it, as it goes into legislative counsel, anything like that background study or assistance which would then go to legislative counsel. But I do not think—

Mr. Ben: Mr. Attorney General, you are painting on water.

Hon. Mr. Wishart: No, I do not think legislative counsel lightly treat private members' bills. It is certainly not as the hon. member for Humber represents. It is done certainly with no deliberation, so that the government could pick up this good language, because government, I assure you, is not above lifting—

Mr. L. M. Reilly (Eglington): You have got the ideas, he has got the language.

Hon. Mr. Wishart —ideas; it is not above lifting language. Nothing wrong with that.

Mr. Ben: Can you give me an example where you lifted language?

Hon. Mr. Wishart: Well, the hon. member for Downsview and I have been taking care to read a bill he has presented on two or three occasions.

Mr. Singer: Six.

Hon. Mr. Wishart: Six occasions.

Mr. Ben: And you still have not lifted it?

Hon. Mr. Wishart: I am not going to tell the hon. member how much I lifted, or when it will become apparent.

Mr. Singer: I will be very happy to tell the members when I see it brought in.

Hon. Mr. Wishart: But I assure him I will not be above lifting it, if and when I do it. But the legislative counsel do not, I am sure, skimp on the private members' bills. To set up a separate branch or body of counsel to deal with private members' bills, I think would only be proliferating upon them. I do not think we need to do this.

I do not know if there were other points.

Legislative counsel, I should mention here, although it was not raised in our discussion so far, are doing the revision of our statutes. They are doing this largely in addition to their regular duties; a lot of homework is being done in that regard and that is a big work which they will be accomplishing and we are hoping to have the 1970 revisions produced in good time.

Mr. Ben: What is "good time", pray?

Hon. Mr. Wishart: About a year from now.

Mr. Ben: So the 1970 RSOs will be out in 1971?

Hon. Mr. Wishart: I think perhaps we have to wait, with the session running, as it will, right up to the end of this year as it did last year. I expect, in order to get in the 1970 amendments, they cannot really complete their revision of the amendments until the end of the year. They can have a great deal of the work done, but there will be many statutes that will be amended in the last days of the session, and with the session lasting so long, and so much more legislation being produced—particularly, I think, as a result of Mr. McRuer's studies on the law reform commission. There is more work. We may need to enlarge our staff there; as we pointed out, we have engaged another counsel this year.

Mr. Ben: Why did you have all your bills in—when I say "you", I use the phrase collectively—why did the government not have all its bills in by, say, April 1, or some such date, so we could have disposed of them, or be in the process of disposing of them and the counsel could get on with preparing the RSOs for 1970?

Hon. Mr. Wishart: There are various reasons and different reasons. For instance, I have in mind, I think I have indicated, a

Judicature Act amendment. We have been having discussions, as you know, about certain subject matters that might be considered there—jurisdiction of the courts, financial jurisdiction and other types of jurisdiction, different types of cases.

These require, I think, assessment and study as to the effect on the court, as to how the profession will handle it, as to how the judges will be able to deal with these cases, and as to how the public will accept these changes; how they will shorten time as to the competence of the court into which you may take your certain types of cases, and so on. You cannot produce them overnight.

Mr. Ben: Well, Mr. Attorney General, had you introduced them by April 1, by now you might have had some idea how the public would accept them.

Hon. Mr. Wishart: I think there is merit in what the hon. member says; if we could get them in in the first month of the session, fine. But I would much prefer to introduce a bill, that, insofar as possible, represents not only government policy, but has been considered as to its consequences, rather than introduce a bill which will be all chewed to pieces—if I may put it that way—amended and take many hours of debate in the House and in committee to arrive at something which you have to make. I have done this, and the hon. member, I know, has been part of our process.

We have had to introduce in committee sometimes, and sometimes in the House, a sudden amendment—I mean sudden—where we have observed that something was not going to achieve the purpose we had in mind. Those amendments are not always wise, because we do not get time to consider the language, how it should be expressed, or what the consequences of the change may be.

It is far better to do it thoroughly, even though you may take a little more time.

Mr. Ben: I rather suspect, Mr. Attorney General, that the reason you do not have your bills in by April 1, is that you want to have ample opportunity to pick our brains before you pass legislation. You want time for us to come out with our ideas as to what you should do.

Hon. Mr. Wishart: That had not occurred to me.

Mr. Ben: But it is the truth, is it not?

Hon. Mr. Wishart: No, there is, as you know, a great deal of legislation going through the House on the government side;

a great many government bills will be presented. There is a lot of work entailed in preparing them. The hours one spends to clear them with government, to study them and then to clear them with caucus, to get them through the House, takes time.

I would certainly be glad if I could get all my bills in in the first month and have them off my hands in the second month and be able to sit back and—

Mr. Ben: You may not get rid of them in the second month, but at least the public will have an opportunity to study them, Mr. Attorney General, and that is the important thing. The earlier you get them in, the more time the public will have to express their opinion.

Hon. Mr. Wishart: I will agree that is a desirable objective. But I say there are many things which make it quite impossible of achievement.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, first of all I would like to express my appreciation, and I am sure the appreciation of the member for Lakeshore and other members of the caucus, for the service which the legislative counsel branch renders for us. I certainly find them, not only extremely courteous, but extremely helpful and anxious to satisfy our demands on them, and at the same time they certainly preserve a high degree of professional confidence in matters which we discuss with them, as opposed to matters which the government may have had before them.

It seems to me this is a very appropriate time, for two reasons, to discuss this whole question of computerizing the statutes. I do not know very much about the topic, but I would like to make a couple of comments.

Here we are, as the member for Humber has mentioned, we have arrived at 1970. Forgetting the new revisions of the statutes entirely, if a member of the public, or a member of the legal profession—and my remarks apply equally well and perhaps in the same extreme to the regulations—wants to know what the provisions of a particular statute of the province of Ontario are at this specific moment in time, he can only do it in two ways. One is by taking the revised statutes of 1960, checking laboriously through all the various indexes to find out which amendments have been passed to that Act and looking at each of the amendments in attempting to find out exactly what the statute is at this moment in time. The other alternative is for him to invest in a

Statute Citator, which is a commercial publication, very expensive on an annual basis, and to make use of that as a reference guide for information about the statutes.

That is one branch of it and I think we had better give serious consideration to a modern efficient method of having available an up-to-date statement of a particular statute, particularly as the volume of annual statutes and annual amendments appears to increase, certainly over the period of parliament.

There is another aspect of the same problem—and I think the extreme example which we had just recently is a technical bill, a lengthy bill, such as Bill 61, The Business Corporations Act, going through this committee. Again, I am not speaking about the substance of the comments that were made during the discussions on that bill. I am speaking about the mechanical procedures which could be used to speed up and simplify and make available to the committee information about amendments as they were agreed and passed through the committee.

I think everyone will agree that when a committee sits looking at a bill like that over a period of time, no matter how interested one may be in the topic, you simply get tired of having to deal with it. Therefore, unless you have a great deal of up-to-date efficient machinery that will provide the information to you, I do not think the committee does as good a job as it could do.

Those seem to me to be two very specific examples which point up very clearly that if a committee, such as the legal bills committee, or the House in Committee of the Whole, is going to carry out its work efficiently and well, or if, on the other hand, the members of the Legislature in the legal profession and members of the public are fixed with knowledge of what the statutes of this province are at a given moment, then I think with the use of some form of computerized data processing information retrieval system that this could be done.

I recognize that in embarking on this field, you have to delimit what you are going to do in order to make the system work initially, before you extend it into a full-fledged legal data bank information centre about all the case law which forms part of the common law; but for the statutes I think it could be done effectively and done well.

I just want to put on record—it may be other members of the committee are quite aware of it—a very brief statement of this

system as it was used in Manitoba and as it is presently being used. It was, if it is of any assistance to the minister, introduced by the former Conservative government in Manitoba, but the procedure, very briefly stated in an article which I happened to notice, states:

The procedures to be followed were worked out at the computer centre at the University of Manitoba. However, the information on the province's laws will be stored and retrieved from the provincial government's computer centre. In preparing for the printing of the Act, details are fed into the computer along with a programme telling the computer how to print it. The computer did all the spacing and indentation, the printed material was then photographed and produced as many copies as required.

As an Act is amended, either in the committee stage or by a future Legislature, it can be changed by feeding the amendments into the computer, which will quickly print out the amended form at 1,600 lines a minute. If changes are made by a sitting committee, the amended material could be returned within minutes.

If computerization proves practical, all the province's statutes could be fed into a computer and remote terminals could be used to make the material available to courts, lawyers and governmental agencies.

And I assume also to the public.

When the statutes are completely computerized, the language used in them could be made more uniform, cross-references checked, overlapping provisions removed, or amended, and an index would be instantly available.

Computerization of the statutes by Manitoba would make it the first province in Canada to have such a system. The programme used in the project has been devised by R. S. Tallon, legislative counsel, Professor S. J. Kelly, of the Manitoba law school and Richard Mongan, a programmer with the University of Manitoba computer centre.

My question therefore is quite obvious. It would appear to me, in the language of the day, that the cost-benefit ratio would be very great if such a system were introduced and were available for the Legislature, for the legal profession and, for the public generally.

I think it provides a specific delimited area for experimentation on this kind of work which could ultimately, perhaps rapidly, be enlarged to cover the same points with re-

spect to the regulations which even at this point in time are 400 pages of that close-typed *Ontario Gazette*, just for this year. And again, it takes a considerable amount of time to go and find out what are the up-to-date regulations promulgated under any particular statute. Again—and I emphasize the point—they are by law, automatically, the knowledge of every citizen in the province, and he would be fixed with that knowledge of what is in those regulations.

The cost-benefit part of it would appear to me to make it well worthwhile. I think the efficiency and ability of a committee, such as this committee, to function, would be greatly enhanced. It may be that the minister's department and maybe this branch has done some work on it, but I would like the minister's comments about this, or those of his department.

Hon. Mr. Wishart: Mr. Chairman, I think I will ask Mr. Dick to speak on some of the questions that have been asked. Perhaps I will call on Mr. Alcombrack who can give certain of that detail about information retrieval, use of the computer in research and how that material may be produced. Perhaps, Mr. Dick, you could cover what you care to.

Mr. Dick: If I might speak generally on the overall subject, sir, of the matter of the computer application to statute law and to case law. When the commissioners first embarked on their task, both the minister and myself met with them. Subsequent to that the commissioners had many meetings with the gentlemen at Queen's University who are really quite eminent in the field of this computer technique, and as well, I know the commissioners gained knowledge in their association with the other legislative counsel from across Canada.

Incidentally, the federal government have made experiments in this field of computer application.

The net result of all these studies was, putting it in the simplest language that I can muster on a very technical subject, that the revision which the Legislature has now commissioned will produce a machine-readable tape and the whole body of provincial statute law will be on tape. One of the difficulties was in adapting a language, a machine-readable language that would be available to any institution, such as Queen's University, for grafting that taped body of statute law into their system.

We did not go to the extent of producing it in every language for machines, so it would

be instantly available. We produced it in a tape form that will produce what you suggested, sir, and that is a continuing master tape which will be the property of the government, and every session that master tape will then be capable of being brought up-to-date with the immediate last preceding session's legislation on that tape.

Then, as any statute should be printed out, it can be printed out in consolidated form, or whatever form is required, with more or less completely up-to-date revisions of a particular statute or, indeed, if the Legislature wanted it, you could have your revision brought up-to-date on tape instantaneously, so to speak, after the session. So we would not have this long period of time with all the manual editorial process that we face now in a revision.

The tape itself will be made available to any institution or any facility engaged in this new technique of putting our law into computer form for instant retrieval of both statute and case law. The experiments at Queen's University are quite advanced in this area in the experimental stage only, but our body of statute law will be available to them on tape form for engrossing into their programme and ultimately into any that are practical for implementation and use in the institutions or our libraries here.

Mr. J. Renwick: Mr. Chairman, would the deputy comment about the use of such a system in the committee work of this Legislature, whether this is a possible immediate adaptation which could be done within the facilities available to the government in its own government computer centre?

Mr. Dick: If I may, perhaps, Mr. Chairman, and Mr. Minister, ask Mr. Alcombrack on that statement.

Mr. Chairman: Would you use the microphone there, Mr. Alcombrack?

Mr. W. C. Alcombrack (Legislative Council): Well, I think there are two different systems. What we propose doing with our revised statutes, is putting them on what we call a data magnetic tape, as Mr. Dick has explained, which will be usable for retrieval purposes by anyone, and they will have an industry standard code on them which then can be programmed either for printing, or copies can be programmed for retrieval purposes. It is the copies that we propose to have available for Queen's University and other organizations that are interested in developing retrieval systems.

I think what you are talking about is a different system altogether. It is an MTST machine, which is a magnetic tape Selectric typewriter that IBM have for instance, which is an ordinary typewriter with the addition of code keys on it too, and attached to a small computer system which has its own tapes on it, and you can type into it whatever you like, and it will type back to you what you have put in.

In these machines, as I understand it, you can put on a master tape and type into one tape and it will automatically combine the two tapes in another master magnetic tape. Then by pushing a button you can have a printout of that from the machine—this is in the area of 1,600 words, I have forgotten what the number is, but 1,600 words a minute or whatever it is.

I am not too sure that this is not what Manitoba is using in relation to its bills, but if you have ever seen their bills, I do not think you would appreciate studying them.

Mr. J. Renwick: Because they are somewhat difficult to read?

Mr. Alcombrack: Yes, they are difficult to read, because these Selectric machines are the ordinary typewriters that IBM sell that have the ball on them. Do you know the one I mean? Every time you have a different form of font, or italics, or something, you have to change the ball. It imprints by pressing against the paper and you get different imprint as to shade, and so on, and also you find that you may get broken letters and so on.

I have looked at a number of bills from Manitoba and this is one of the problems. They are not too easy to read. As a matter of fact, they have to go to the trouble of printing their first page—and this means using the traditional method of hot-metal printing—printing their first page and their back page, and all their forms and all their schedules and so on. So all they have really is the body of the Act, rather than the forms and so on, printed out from this machine.

Now, it may be that although we have not decided this yet, but we are investigating it—for the purposes of the regulations, because of the rapid change in regulations over a period of a year, we will say that we may go to MTST printing. This gives you a printout in not too good a form, but you can take that and connect it into another computer, which is a composition machine, and the printout from that is very good.

We think it may be that we can use this

for the purposes of the regulations, so that we can keep them up-to-date at all times. Then we can get printout within a reasonable time for the purposes of this new regulations committee that has been set up, and also for the purposes of the Queen's Printer, so that they can have these available, up-to-date at all times, to be put in a pamphlet, or whatever form you wish.

For the statutes we do not feel that this is good enough, so that we have gone to the data magnetic tape, which is completely a different tape. The MTST tapes are just cassette tapes; the others are fairly good-sized tapes. They can be reprogrammed into the other, but it is a very expensive operation.

I just explained the two different systems that you are really talking about here.

Mr. J. Renwick: Mr. Chairman, perhaps Mr. Alcombrack could tell me, would it be possible—simply for the purpose of the work that the committees do—to make use of a system which would permit us to get an up-to-date running statute as we were going through clause by clause?

Mr. Alcombrack: You mean as amendments are made in committee, it is going—

Mr. J. Renwick: As we were going through amendments, or a bill such as The Business Corporations Act, in committee.

Mr. Alcombrack: At the moment, I do not think you can, from the data on magnetic tapes, because they have to be updated by running them through the computer. What you do is punch a paper tape first of all, and then you run it through the computer and it then comes out in a magnetic tape form. And then you combine the magnetic tapes into a master tape, and these you can use, as I say, programmed for printing or for retrieval, and at that point you can have retrieval.

I may say that we have looked into it and I know a lot of these people—without mentioning any names or any companies and so on who have made their pitch to us in relation to some of these retrieval situations. I must admit that they have not convinced me that they are nearly as simple as they say they are.

It may be that the universities, like Queen's and Western and so on, will go into this sort of business. In time, in the near future perhaps, we will end up with some form of service to the public and perhaps to the Legislature and so on, where a retrieval system can be achieved through professional operators of these machines.

You see, they say you can go in and just type on a typewriter and all you have to do is know a few symbols and you get what you want on a scanner. But in my estimation it is not really as simple as that—to walk in and just do that.

Mr. Chairman: Has the member for Riverdale any further questions of Mr. Alcombrack?

Mr. J. Renwick: Not on that particular point.

Mr. Chairman: Any further discussion on vote 903?

Mr. J. Renwick: I have one further very brief remark.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Would it be possible to ask this of the minister; perhaps Mr. Alcombrack could respond to it?

Some time ago, for my own information, I went through the *Statute Citator* rather laboriously, or rather my secretary did, and pulled out all the statutes which are shown to be administered by the department of the Minister of Justice and Attorney General, and then we subsequently did it for each of the other departments, because it happened to have been administered by such-and-such a department or be the responsibility of such-and-such a commission. It was of considerable assistance to have an indexing of the statutes in that way, from the point of view of the member's work, because a member who was a critic of a particular department could have a list of the statutes which are administered by that department.

Would it be possible for the legislative counsel to consider providing that kind of an index for the members and perhaps for a wider use within the government service itself?

Mr. Chairman: I wonder if Mr. Alcombrack would care to answer the question?

Hon. Mr. Wishart: Did you get the question? I think the question, if I can paraphrase the question, is: Could we produce for the benefit of members particularly, or for the public, some sort of an index of those statutes which are administered by the several ministers of government?

Mr. Alcombrack: Well, for instance, The Department of Education and The Department of Municipal Affairs put out their own

pamphlets. For instance, Education put out all of their education Acts either individually or in one pamphlet, as you know.

Mr. J. Renwick: I was just thinking of a list of names.

Mr. Alcombrack: Oh, that is all. Just a list of the names of the statutes—

Mr. J. Renwick: The names of the statutes and the name of the particular department which is responsible for their administration—

Mr. Alcombrack: Under which jurisdiction the Act comes; you were not thinking of a detailed index.

Mr. J. Renwick: That is it; just the title of the statute and the name of the department.

Mr. Alcombrack: I do not think that would be too difficult. They are all in the *Ontario Cimator*, actually.

Mr. J. Renwick: That is right, but selecting them in order to get all the ones that come under The Department of Agriculture and Food, for example, is a job which—

Mr. Alcombrack: That would not be too difficult at all. We could do that easily enough.

Mr. Ben: Are you saying that in the *Ontario Cimator* there is a section which states which Acts—

Mr. Alcombrack: No, under each Act, there is an indication as to which department's jurisdiction it comes under.

Hon. Mr. Wishart: When the Act is mentioned.

Mr. Ben: But, is there a compendium?

Mr. J. Renwick: There is no compendium. The Attorney General's department is shown to be responsible for five pages of statutes, responsible for their administration.

Mr. Alcombrack: That could be done. We could make up a list of Acts under each department, if you like.

Mr. Ben: Can we take it that that will be done, Mr. Minister?

Hon. Mr. Wishart: It will be done.

Mr. Ben: Amen.

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Just a brief comment, perhaps under two heads.

I am a little concerned as to the extent which the minister utilizes—in the role of assistant or apprentice to parliamentary draftsman and in the other areas of his administration, too—the function of the law clerk. It seems to me that he would have a considerable role to play in this particular regard particularly with respect to the research and background that might go into the very words that are incorporated into a statute.

I do not know if the minister feels that this is more particularly an area falling under the suzerainty of the law society. I would rather doubt it. I would put it to him that it ought not to be so. They have incorporated themselves of recent date.

My feeling is that they are a very narrow and exclusionary body to which clerks coming from Great Britain have particular access. Those trained domestically are not as welcome. The whole area did not come, that I can recall, by way of a bill through the legal bills committee, or from the private bills committee. The same nostrums that apply to the various types of professional entities that we have been reviewing ought, of course, to apply to this new entity that has come into being, and do not.

I wonder if the Attorney General would take under advisement some interrogation, or some insight into how the Institute of Law Clerks of Ontario is presently operating? Who is on the board? What are their qualifications? How are they appointed, or how do they come into being? What are their internal policies in terms of exclusion of other people who are far more qualified than many of them and who are not admitted within their ranks? I will not go into names.

Also, they have an educational policy, as I understand, that Ryerson institute, for instance, and Centennial College, are not recognized by this body, although providing courses in this regard—why and wherefore, one wonders—whereas Humber College, which perhaps has not got such qualifications or standards, is recognized by this entity?

It would be a bad thing for law clerks, whether hired by the government, whether utilized in the way I am suggesting, or, in the wider field of legal work and subsidiary bodies in the law profession, are going to become more and more necessary so that those more specially trained can dedicate themselves to the nicer aspects of the work,

in any particular field, where specialization is an ongoing process, which I consider an evolutionary one in the direction of good. Not all evolution is uphill, you know.

This is an area that is subject to being explored by the Attorney General and by his department and they ought not to be oblivious to what is happening in this particular area.

I noticed that Kenneth Jarvis of the law society feels that they could be of a major worth, not just in drafting of documents of all kinds and preparing the peripheral stuff that lawyers do, in terms of succession duty returns and that sort of thing, but in the area of actually appearing in courts and in performing a function there, which may be somewhat alleviated by them whether you are a prosecuting counsel or crown attorney, in the entire range of cases before the provincial courts, both family and criminal.

In other words, I am just putting a bug in your ear at the moment about the role functions and operations of the law clerks, which I understand not to be altogether satisfactory at this time.

Hon. Mr. Wishart: Mr. Chairman, I will just speak very shortly to this. We have, in our own department, law clerks which we have trained ourselves and there is a clerk in the legislative counsel, I believe—a legal editor, a law clerk—

Mr. Lawlor: Good.

Hon. Mr. Wishart: —who is quite a specialized capable worker. I must confess, on the point which the hon. member raised about the law clerks' association, I am not really familiar with that. I do not know if it really comes within my purview, but perhaps we might, since we are concerned with the law and the administration—well, the whole field of law and justice—look at that. But I cannot give him any answers on how they behave, how they operate, why they do not recognize certain programmes of training and so on. I could look into it.

Mr. Lawlor: I wish you would.

Mr. Chairman: Vote 903?

Mr. Singer: On vote 903, Mr. Chairman, could the Attorney General tell us if the practice still continues that, on occasion, the drafting of complicated statutes is farmed out to solicitors in private practices?

Hon. Mr. Wishart: Very rarely, if at all.

Mr. Dick: I cannot recall any recent ones. A lot of work was done on The Mental Health Act by outside counsel.

Hon. Mr. Wishart: Yes.

Mr. Dick: The original Energy Act of many years ago.

Hon. Mr. Wishart: I do not believe there was anything from our department, of recent date.

Mr. Dick tells me that for certain health legislation The Department of Health engaged outside counsel.

I think it was four or five years ago that, in this department, some work was going on when I came into the department with the new Securities Act. We had the assistance of outside counsel to a very considerable extent. That was a very technical, complicated, extensive Act.

But I cannot recall any cases being farmed out to counsel, work which we feel we can do here.

Mr. Singer: I cannot recall any of recent years but certainly not too long ago the practice was fairly substantial and some of the drafting fees that I saw in public accounts made one's hair stand on end.

Hon. Mr. Wishart: Yes, we have got away from that.

Mr. Singer: Was The Business Corporations Act drafted by legislative counsel or was it done outside.

Mr. Dick: Counsel for the select committee did a lot of work on it but our own lawyers did a substantial amount too. It was more or less co-operative.

Hon. Mr. Wishart: That was not in our department—

Mr. Dick: The Provincial Secretary and The Department of Financial and Commercial Affairs.

Hon. Mr. Wishart: The Provincial Secretary has the administration of that Act and I think there was counsel, I believe, to the committee in the preparation of that legislation who did assist, but the actual final drafting, in my understanding was done by our own counsel.

Mr. Singer: I see. Well, could we ascertain that one specifically? Perhaps Mr. Alcombrack could tell us what he had to do, or what this

department had to do, with The Business Corporations Act?

Mr. Alcombrack: I did not work on Business Corporations myself, but I understand that Mr. Harcourt was on that committee and did some work on it. Mr. Stone did a great deal of the drafting on it; I think the final draft was done in our office.

Mr. Chairman: Anything further on 903?

Vote 903 agreed to.

On vote 904:

Mr. Chairman: Now, gentlemen, vote 904 is a long vote. It has quite a number of good substantial subsections. I would suggest, subject to your approval, that we deal with each of the subsections—for example, the assistant deputy Attorney General, and then the next one, administration of the Supreme Court of Ontario, administration of county, district and division courts, and so on—under those various headings, rather than trying to range across this very substantial vote. Does the committee agree with that view?

Mrs. M. Renwick (Scarborough Centre): Could I ask, do you have a heading, then, for juvenile and family court?

Mr. Dick: Provincial courts.

Mr. Chairman: That would come under the provincial court, I believe.

Do the members then agree that this may be the best way to handle this vote?

Mr. Singer: At the beginning, Mr. Chairman, we designated a number of unlocatable items to this vote 904. Could you review those at this time?

Mr. Chairman: I do not have immediately at my fingertips the area where we discussed that.

I do see one. Mr. Singer had asked about grand juries and I think we decided that would come under 904, did we not?

Mr. Singer: Well, that is what I want to—

Mr. Chairman: Exactly.

Mr. Singer: And juries, petty juries too.

Mr. Chairman: We might deal with those first and then come on to the various subheadings in the vote itself. I believe the member for Lakeshore had an item which he also brought in under 904.

Mr. Lawlor: Grand juries, sentencing and bail, I felt, were all under this vote.

Mr. Chairman: This may be a little difficult to handle, but I think perhaps that is the better way nevertheless, to deal with each of these items under this vote. So suppose we begin with the item raised by the member for Downsview, then we will deal with those raised by the member for Lakeshore, and then we will get into the various subheadings under the vote itself.

Mr. Ben: Mr. Chairman, would you have the kindness to repeat to me again—I am sorry, I did not hear you—the subject matter that is going to be raised in general by the hon. member for Downsview, and the subject matter that is going to be raised in general by the hon. member for Lakeshore.

Mr. Chairman: I think each of these members can outline them as they begin, and I ask the member for Downsview to outline the subjects he wants to discuss and then we will get into those items. I will ask the member for Lakeshore to do likewise and we will get into those.

Mr. Singer: There are the questions of both grand juries and petty juries, sentencing and bail. Those are the matters that were mentioned by the member for Lakeshore, and that certainly we will want to be commenting on. There were some other matters here—

Mr. Ben: Would not bail, Mr. Chairman, come under administration of provincial courts?

Mr. Chairman: I would think it logically would.

Mr. Singer: I do not care how you want to allocate it.

Mr. Chairman: Not necessarily, though. We are not necessarily limited to that, you see.

Mr. Singer: Personal privacy—where did we put that one?

Mr. Lawlor: Public safety.

Mr. Singer: Public safety; that comes later.

Mr. Chairman: I think then I would like to ask the member for Downsview to begin his discussion on the matter of grand juries and petty juries. If he has any thoughts on the matter of bail, he could include those in his comments as well and then we will move on to the member for Lakeshore.

Mr. Lawlor: There is just one thing, on a point of order. Could we handle grand juries as a separate item and civil juries as a completely different subject?

Mr. Chairman: I think that would logically be the case.

Mr. Lawlor: Good.

Mr. Chairman: Then perhaps the member for Downsview would limit his first comments to those on grand juries.

Mr. Ben: Mr. Chairman, is it safe to say that after these two hon. gentlemen complete their remarks on the subject matter which they have stated they wish to discuss, that we will then start going according to the estimates—i.e. assistant deputy Attorney General, followed by the administration of the Supreme Court of Ontario?

Mr. Chairman: Exactly, yes.

Mr. Singer: Then there is one other general topic that the minister has alluded to from time to time and that is, "wait until you see my amendments to The Judicature Act."

Hon. Mr. Wishart: I am afraid you will have to wait.

Mr. Singer: I suppose we will just have to pick away then.

Interjections by hon. members.

Hon. Mr. Wishart: Actually I have not got it to cabinet yet. I do not want to be brief about it, but you will understand I am constrained somewhat to reveal the content of a bill I have not cleared with the government, much as I would like to discuss some of the subjects in there. And we can discuss them; we will not discuss them as if they were part of a forthcoming Act.

Mr. Ben: By the way, did they overrule your selection for senior crown attorney for the county of York?

Hon. Mr. Wishart: You are just dreaming that up, because that did not happen.

Mr. Ben: A crystal ball told me it was true.

Mr. Chairman: Order, gentlemen.

The member for Downsview.

Mr. Singer: All right, Mr. Chairman. Let us start off with—

Mr. Lawlor: Point of order. I want to make it quite clear with Mr. Ben, the mem-

ber for Humber, there are these two other items which might be discussed in gross without putting them under any of these headings: namely, sentencing and bail. I am not saying I am going to talk on them; I may decide to if the spirit moves me.

Mr. Chairman: Well, speaking to this point, gentlemen, I had in mind that we would deal with that item. I have three of them here—grand juries, petty juries, bail and sentencing—as items, all of which would be discussed before we get into the various sub-headings, as I outlined earlier in answer to the question of the member for Humber.

An hon. member: Excellent.

Mr. Chairman: The member for Downsview.

Mr. Singer: Okay. I will start on grand juries.

Mr. Chairman, we have had a number of reports from grand juries. My colleague for Sarnia (Mr. Bullbrook) dealt with one at some length yesterday. Somewhere along the line one could not help but detect that the Attorney General was not overly enthused at some of the recommendations that the grand jury put forward. At points he called the recommendations "not objective" and this has not been uncommon.

I have in my files—I am not going to bother to read them—perhaps half a dozen different grand jury reports. The ones that hit the papers. The ones that come to my attention, come to my attention particularly because of their critical nature.

We have discussed grand juries in this estimate for a number of years now and I gather the impression that the Attorney General is not overly enthused about this kind of an inquiry.

Hon. Mr. Wishart: Mr. Chairman, I wonder if you will allow me to interject here?

Mr. Singer: All right. You get right in and make your point at this stage.

Hon. Mr. Wishart: All right. Well, the hon. member is sort of generalizing about grand juries. I do not think that he should accuse me of a generalized attitude toward grand juries.

As I have indicated, I am a great believer in the function, the usefulness, of the grand jury. The reason I took some objection to the particular grand jury report we discussed yesterday—the one the member for Sarnia was

questioning about—was because, really, they were outside their jurisdiction. They were outside the law. They are supposed to inspect public buildings and this has been their standard role.

I suppose that it could be argued, but I do not think it could be successfully argued, or so interpreted, that they investigate any public institution in the sense of a government, of a Legislature, of a crown attorney's administration of his office, generally. And I think, while I did not dismiss their thinking—and I think there was some value indeed in what they had to say—they really had no authority to go prowling around and investigating the office of the crown attorney. That is not a public institution. I took some exception and I still do. Admittedly, they had some value, but do not please generalize from that that I am against the role of grand juries.

Mr. Singer: Where do we get the authority for grand juries?

Hon. Mr. Wishart: In The Jurors Act.

Mr. Singer: In the Jurors Act?

Hon. Mr. Wishart: I can read it to you.

Mr. Singer: Is there a specific reference limiting their scope of inquiry?

Hon. Mr. Wishart: Yes, here, I think, is the language; section 46 of The Jurors Act:

The judge presiding at a jury sitting of the supreme court and at a sitting of the court of general sessions of the peace, shall instruct the grand jury that it may inspect all or any of the institutions in the county or district that are maintained in whole or in part by public money and every grand jury that makes such an inspection shall prepare a report or presentment indicating the conditions found to be existing in each of the institutions inspected, but where such an inspection has been conducted within six months prior to the date of the commencement of the sittings, no inspection shall be made without the specific consent of the judge.

I suppose it could inspect the crown attorney's office as a building maintained by public money but I do not think the language there is by any means wide enough to say that they go and inquire of crown attorneys the various conditions and salaries and whether or not they are QC's and so on. I do not think that is the contemplation of the Act at all.

Mr. Singer: Mr. Chairman, I do not quite follow the Attorney General's reasoning, because if you are going to inspect the various institutions, courtrooms, jails, hospitals and whatever public buildings there are maintained by public funds, one would think that the only way in which you are going to get a complete report is if you had some idea about the method by which these buildings function. Are they only supposed to be a group that investigates house cleaning? Is the place neat? Have the windows been washed recently or the floor swept? If that is their function, it is really a comparatively useless function.

One would think if they go into jails they should be interested in the staff that runs the jails, the degree of supervision; and if they go into the courts, the adequacy of the facilities, the conduct of the officials there. I think maybe the time has come, because these grand jury reports have been becoming increasingly critical, that we should face up to this.

Either we are going to recognize and clearly delineate in unmistakable language—I do not know if Mr. Alcombrack is still here or not—but I am sure he could draft something for us to set out in unmistakable language what their duties are. I would think that persons who are members of a grand jury, who feel that they are just going to go round and say, "Is it not terrible that courtroom 29 at the city hall has no fresh air coming in and it is noisy and there are no proper accommodations—and they know that that same report has been made every year for the last 10 years—are going to get pretty frustrated and think that their public participation in the course of the administration of justice is pretty futile.

When you get intelligent persons taking of their time to serve on the grand jury, unless you give them some useful function, then I think we are wasting everybody's effort unless they have some function that has some meaning to it, there is just no point in picking up grand jury reports year after year and hearing that the London courthouse is a disgrace. Everybody says that; it is a popular thing, and it was a disgrace and it still is a disgrace, and in the fullness of time somebody is going to build a new courthouse there, I suppose, but this does not accomplish any purpose.

Should we really do anything if these fellows are charged with what they think is some worthwhile investigation? They thought it was worthwhile.

Hon. Mr. Wishart: Perhaps it was, but I think if they go in the jail, certainly they should see if the building is properly constructed, if it is weatherproof, if the meals of the persons contained there, their clothing, the conditions are such that they are comfortable, if they are properly supervised—and the staff to some degree. But I wonder, should they actually call the staff in and say, “Are you getting enough pay?” I wonder. This is the point where I think they get beyond the institution.

Mr. Singer: The point I am making is this: It may be that the Attorney General thinks there is another way of investigating, and it may be that if they are going to be limited, or if they should be limited, there is just no point in having grand juries.

Hon. Mr. Wishart: Oh yes, they can do a very useful job.

Mr. Singer: What sort of a useful job can they do in telling us, as I say, that some of the courtrooms in the basement of the city hall are a disgrace? We know they are a disgrace. You do not have to have a special investigation. You hear it every year in the estimates, and there it is. There is no great discovery.

What they do seem to get into are unusual things that have not come to the attention of some of us on earlier occasions, and certainly the recommendations and suggestions and comments of this grand jury—whether they were right or wrong—that my friend from Sarnia was referring to, sparked an interesting discussion over a period of a number of hours, and out of that I think some general good might come. I think that was worthwhile.

If the Attorney General is correct in saying they exceeded their scope and what they were doing was improper or even illegal, then let us make sure that they do not do it any more and that there is another way. I think the time has come perhaps to either give them full legal authority to do what some of them have been doing or to admit, if they are only going to be building inspectors, that by and large we do not need to take up the time of these citizens to be building inspectors.

There is a report in today's paper concerning some of the recommendations of the coroner's jury. They have a somewhat different function, but they comment about the lack of a common lockup here in Metro, some of the precautions that should be taken to prevent suicides, and so on. I am going to deal with that later when we come to the

coroners' estimate. But this is the sort of an inquiry that I think some citizens' body can very well undertake. In this case the coroner's jury commented on it.

My plea is a simple one. I ask you, Mr. Attorney General, if the time has not come either to say we are going to expect grand juries to investigate within a field which includes personnel and their use, or else if they are only going to be building inspectors, what is the use of having them?

Mr. Chairman: The member for Humber.

Mr. Ben: Perhaps the member for Lakeshore can correct me; he is a scholar when it comes to these things and is more apt than I to be accurate in things running back 500, 600, or 700 years, but I was rather under the impression that the grand jury devolved from “the hundreds,” the old shires in Britain. Is that not correct?

Mr. Lawlor: That is correct.

Mr. Ben: And that “the hundreds” were called to report on the state of affairs in the shires. In other words to apprise the keep of conditions generally in the bailiwick or shire, which included not only physical structures but the king's law, the conditions under which it was operating and whether it was operating effectively or ineffectively, with bias or unbias, with favour or prejudice, and so on. I think we will agree that this is how our grand jury started.

Having agreed to that, I should think it follows that the grand jury's function therefore is that of “the hundreds,” which is to report on conditions generally within the shire—in this particular instance, we call it a county now—and I think I must concur with what the hon. member for Downsview says, that historically the duties of a grand jury would go well beyond simply inspecting the brick and stone of public edifices in the county.

Listening to you read section 46 of The Jurors Act, Mr. Attorney General, it is obvious that the scope is wider than what they have been exercising. For instance, they can inspect any institution that is maintained or supported—I cannot recall the exact wording, but—

Hon. Mr. Wishart: By public money.

Mr. Ben: —in whole or in part. That would include Rochdale, for example, the universities and schools, children's aid societies; you might even say humane societies now, when

the new Act comes into being. When you carry it to its logical conclusion, as the hon. member was saying, how can you inspect the operation of a particular institution without conversing with, or at least trying to find out the qualifications of, the operator?

Frankly, with all due respect to the hon. member, I think he sort of missed the boat. He has been advocating an ombudsman, and he ought to stick to that. What we need is an ombudsman jury, and ongoing ombudsman jury made up of responsible citizens, and I think it should be set out that every citizen can be called upon to serve on this ombudsman jury, and they should be going all year inspecting institutions, inspecting the operation of government, and continuously reporting to the ombudsman.

So, if you pay heed to the member for Downsview and institute the ombudsman concept, and name him the ombudsman, he will begin this ombudsman jury and we will go on from there.

At any rate, I do think it should go beyond simply calling the grand jury into being and having the judge say that they are not obliged to do anything under that section—

Hon. Mr. Wishart: No.

Mr. Ben: —they are not obliged to make any inspections. It is simply the function of a senior judge to instruct the grand jury that they may carry out certain functions. I think it ought to be obligatory or mandatory for them to carry out an inspection. I think there should be more compensation paid to these grand juries than at the present time.

One is inclined, unless one is really dedicated to the function he is temporarily performing, to try to get back to his own calling as soon as possible and start making money again, and you ought to give consideration to increasing the indemnity for persons obligated to serve on grand juries so that they can make ample time away from their own calling and do a really good job, and I am not for one minute suggesting that they have not been doing a good job. As has already been pointed out by the member for Downsview, they continuously make these reports.

I recall that during the first sitting that I attended after I was elected to the House I inspected the grand jury reports for the 10 preceding years, and I found out that they were very much repetitive. What they were saying—and this is not speaking disparagingly of the grand jury, but rather of the government which failed to pay heed to what they were suggesting—one of the suggestions made

for some time, I recall, was that drunks ought not to be treated as they were. Well, fine. I think last year, or the year before, some attention was paid to that; they established a sort of drying-out or detoxification centre.

I recall one of your predecessors, Mr. Roberts, himself suggested there was a lot of merit in it and the government would consider setting up detoxification centres. But the delay between the suggestion and the implementation, I must say, is really appalling insofar as this government is concerned. And I say "this government" because I do not think it is anything that applies to any minister's department in particular; it just seems to be the situation.

So I certainly would support the hon. member in saying that the responsibilities and the obligations of the grand jury ought to be extended and be given full power to investigate all aspects of government function in the county in which their jurisdiction lies. Not only that, they ought to be compensated adequately for the time and trouble they take to devote to this important task.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, to return to these estimates, the minister was kind enough to supply me with the reports of grand juries in the county of York, both the general sessions of the peace and for the supreme court for many years past. And looking them over, I shall not make extensive reference to them. In instance after instance, with a few exceptions, the grand juries themselves advocate their own abolition.

As late as January 26, 1970, a grand jury, according to His Honour Judge Martin, has this to say:

The record bears witness, in our opinion, that the functions of the grand jury would appear superfluous to the normal process of justice. As a result of our current charge, the cases reviewed would appear to be well prepared and, we might add, in most instances the police should be commended for the precise documentation presentation of evidence.

That is a fairly constant theme.

Having the above in mind, discontinuance of the grand jury system would be a distinct saving in time and effort for all concerned. The money so saved might well be directed towards increasing courtroom facilities and personnel. The percentage of no-bills would appear to bear out our feeling that the entire procedures of bar

criminal cases are considered a waste of time. Indeed, we feel that if, in the cases reviewed during our charge, the administration of justice would have in no way been jeopardized even if the no-bill had been brought to trial. It is our feeling that the police officers—

I will not go on with the police officers. And then they go on in saying:

The practice of grand juries visiting public institutions seems odd. How seven persons chosen at random could offer any constructive or useful observations, on the basis of a quick look at the large and complex subject supposedly within their jurisdiction, is hard to understand.

Hon. Mr. Wishart: I wish you had been here to read that last night.

Mr. Lawlor: Quoting:

—especially in Metropolitan areas like Toronto.

With the three-ring circus going on, Mr. Chairman, at the present time, one has to argue with other ministers, perhaps more invidiously than with this particular one. They should have a special transmission process whereby they can flip us from here to the chamber and back.

Hon. Mr. Wishart: Perhaps you would send a copy to the member for Samia.

Mr. Lawlor: Quoting:

The inspection of public institutions might well be left to an independent panel of citizens more qualified in such matters.

And then the report of the grand jury of September 8, 1969, to the same judge, calls for abolition:

Notwithstanding this most important aspect of the grand jury system, we are now in a position to evaluate the results of our endeavours on a statistical basis and to find that the overwhelming number of true bills returned by this and previous juries speaks out loudly in favour of abolishing grand juries from the judicial system. When it is considered that all of the cases coming before us have been dealt with on a preliminary investigation basis by the provincial judge, who will already have decided that the evidence in the case merits trial, that many witnesses have been required to give their testimony at the preliminary investigation, before the grand jury and at the trial itself, we are of the opinion that our protective function could

be served by one person acting in the role of an ombudsman. Such a person would examine the crown attorney's file in every case, interview such witnesses as he considers necessary and be required to make submissions to the judge who sat over the preliminary hearing before he could return a no-bill.

And then further down the page is an incidental matter, which, you know, really, gives one an insight into the way in which the minister of the department at least regards grand juries over the years.

Our examination of the reports of previous grand juries indicates a thread running through them of problems reported and suggestions made without there being any apparent alleviation of the problem.

Now, we are aware of the fact that many and perhaps all of the recommendations of grand juries are not feasible. We also feel it would be helpful for future grand juries if their instructions could include a resumé of the suggestions of earlier grand juries, indicating which of them were being considered for legislative or other changes in the system and which were not being considered, and the reasons therefor, if they can be stated.

Certainly those remarks are very pertinent, because you get grand juries four times a year visiting the same institutions, saying precisely the same things: the problems of ventilation in the Don Jail on one side of the fence, and the truly medieval in the perjorative sense, because there is much good in medieval civilization, but as for the backward, purblind treatment and punishment inflicted in the Don Jail in the old building, they have damned it time after time. The cells of the city hall; we have been all over this, and read the reports, and one becomes somewhat nauseated by the failure to act and the fact that previous grand juries have said something similar.

Now, the same thing applies in other reports of grand juries. January 9, 1970; this is supreme court, to Mr. Justice Donnelly. It says:

It is the opinion of the grand jury that if the magistrate and the crown attorney at the preliminary hearings had the knowledge the cases were not to be referred to a grand jury, many cases that are found to be no-bills would be so declared at the preliminary hearing stage.

In support of this view, it should be stated that in each of the no-bills declared,

the grand jury were unanimous in the decisions indicating that each member of the grand jury found the evidence to be insufficient to take the case to trial.

This is the general theme and force of the arguments of the grand juries themselves.

Just a word on the history. The whole of chapter 50 in *McRuer* is concerned with grand juries. Curiously enough, that is a rather diffuse—it is not the usual pertinacious *McRuer* operating here. He does not give the range of sources of his material or the grounds upon which grand juries act, but he has a section on the history and he says the grand jury was first summoned by Henry II at the Assize of Clarendon in 1166. And on the next page, he goes on to say:

Originally, the grand jury in England also enjoyed wide powers of supervision over the administration of local government. In this capacity it saw to it that various common-law and statutory duties were obeyed by the inhabitants of each county, that roads, bridges, jails and other county buildings were properly maintained, and it inquired into the conduct of public officials, particularly sheriffs.

And it goes on in that vein. There is one section here—before I forget I must get into the record—at 777 he says:

Elsewhere in his charge, Mr. Justice Gwynne, in 1869, addressing a grand jury in Kingston, said that to continue to require the intervention of grand juries—

As a protector of civil liberties—

—was “an absurdity which can only be accounted for by that veneration for antiquity which seems to overshadow in some things the human mind.”

I think that should be taken and buckled to your heart with hoops of steel back in 1869. Actually, the functional role of grand juries is threefold; two of those functions seem to have no legislative base for them at all. They are a heritage of our history and the history of England particularly, and to be, I would say, by way of a common-law device.

The first role, of course, is the instrument of the indictment, that is to review the evidence of the crown witnesses to determine whether there is sufficient evidence to put it on trial before petty jury.

Second is the instrument of inspection to which the Attorney General has made reference in *The Jurors Act*. This is the statutory base of their powers. They inspect the jails and other institutions maintained in whole or in part by public money and they go to

Laughlin Lodge, to the forensic clinic and to many institutions—old age homes, or any other type of institution, if they find time, which most of them do not find in handling the number of indictments and bills that are presented to them.

Third, they act as an instrument of general jail delivery—that is to determine all persons who have been committed for trial and are in custody are brought before the next court of competent jurisdiction. That I would take to be a basically common-law role and function although the—

Mr. Ben: I should think it was ecclesiastic more than it was common law.

Mr. Lawlor: No, I do not think so. I think it bears relation to criminal sources and to that extent is connected with—not with equity, which is civil, of course—but with the ecclesiastical courts which at the early time had a good deal to do with the engendering of criminal law. Everything that was a sin was a crime and everything that is a crime is a sin.

Interjection by an hon. member.

Mr. Lawlor: No, that last statement is more of the modern mentality. In any event, then *McRuer* runs through and spends a number of pages on their role in the indictment and quotes the Gwynne castigation that I have just read. To shorten what I have to say, let us come down immediately to the conclusions that Mr. *McRuer* draws from all of this. He does give a nodding assent to some kinds of arguments that may be used to validate the function of the grand jury, but I think it must be agreed he comes down hard in his recommendations toward its abolition.

He said the system is open to criticism on the grounds that it enables a private prosecutor to maintain a vexatious prosecution without the consent of the Attorney General. It is a necessary and unwarranted trespass of the time and convenience of witnesses.

Hon. Mr. Wishart: The first one—that seldom if ever happens.

Mr. Lawlor: True, but it is there and it can be used vexatiously to bypass your justices of the peace and your department.

Hon. Mr. Wishart: I cannot ever recall that happening.

Mr. Dick: It happened—

Mr. Ben: At a preliminary hearing the matter was dismissed and then we went right around them—

Mr. Lawlor: I was thinking of using it against Mr. Singer some afternoon just to see how reliable it was.

Interjections by hon. members.

Mr. Ben: It was so infrequent—

Hon. Mr. Wishart: The Attorney General has a right to, but this is a question of private—

Mr. Ben: This has happened so seldom—

Hon. Mr. Wishart: Well, all right.

Mr. Lawlor: You may think that any one of these things, you know, is not that significant. On the other hand, punitively, I think they maybe have some kind of weight. Thirdly, there is an unwarranted trespass in the time and convenience of members of the jury, as well as causing them, in many cases, economic loss.

You may say you can get rid of that by paying them more. All right, but taken, as I say, in conjunction with the others—that it causes delay in getting criminal cases tried—he comes up with a number of solutions.

We do not think that all the processes of the grand jury in bringing witnesses before them and rehearing evidence that has been given at a preliminary inquiry can be justified on the grounds that the grand jury performs a useful function in respect to public or semi-public institutions. This is a duty that could be performed much more efficiently and much less expensively by another body.

McRuer does recommend such an ombudsman, working first at a local level. McRuer's recommendations on ombudsmen are subtle and not to be taken at their face value. They are not restrictive. It seems to me that they have considerable range. We will have opportunity, I suspect, in the fall to get into that particular and certainly, may I just say now—and without any animadversions at all—if you introduce an ombudsman, the grand jury goes. It is the end of a real functional role for grand jury in the light of the ombudsman, however you may argue otherwise.

Hon. Mr. Wishart: The member for Humber wants to add the jury to it.

Mr. Lawlor: Yes, I know he does.

I do not think that the duty which the grand jury performs in the process of general jail delivery is as efficiently performed as it might be. We think that the sheriff as an

officer of the court—and as I recall, the sheriff has actual statutory authority; it is his baby; it is his job to get the criminal lists of those who are in custody prior to, say, the general sessions of the peace—

We think the sheriff, as an officer, should be made directly responsible to the presiding judge and charged with the duty of personally visiting the jail, checking the list of prisoners, ascertaining when they were committed to custody and determining whether indictments have been preferred against them.

That is his answer to the business of general jail delivery. It is the sheriff's job and function to perform this. After all, when a jury is empanelled, it does go to the sheriff's office. It is from the sheriff that they get this information but the sheriff stops at that point and leaves it in the hands of the grand jury.

Thirdly, he gets on to the problems of *certiorari* in saying that, however, before any action is taken to request abolition of the grand jury, the supreme court should be given wider powers to review on *certiorari* the sufficiency of the evidence to support a committal for trial. McRuer is not strong on that because in the next paragraph he says this:

Regardless of whether or not the grand jury is abolished in Ontario, this power of review should be given to the supreme court.

Somebody, after preliminary inquiry, is committed for trial; there is no redress at that particular stage for review. He thinks that the writ of *certiorari* should issue at that particular point and that no proper position has not been made for it under our law.

Considering these numerous functions which are ineptly, to very little purpose and at considerable public expense performed by the grand juries and then referring to the remarks of the Attorney General in his reply dated March 13 of this year to the critical stance taken by a jury, I do not think that they are altogether fair.

After all, if the function of the grand jury is to investigate institutions, let us say, or the area of general jail delivery, if for some reason cases are not being brought on for trial, some gravamen for that must lie in the office of the crown attorney. As a natural and logical step, they must look into the office of the crown attorney to determine at least in part as to why people are sitting for many months in custody without being brought to trial. Is there some logjam there?

Are there some inefficiencies? By a natural progression, they were obliged to interrogate, at least in some areas, the operations of that office. In one place another grand jury that I read about did take severe umbrage with the dislocations and with the poor running of the office in the county of York. That was two years ago, as I recall it.

This is causing difficulties in that area. So, when the Attorney General said that is not their jurisdiction; they have not got any specific instruction; it is not imposed upon them; nor are they obliged; nor is it proper that they enter upon an investigation of certain offices and their action functioning, I say I do not think they can begin to carry out their functions if they do not. That is skirting in a very legalistic way the very issue at stake. If crown Attorneys are to be so circumscribed in their operations as not to be able, in a plenary way, to perform those very narrow functions that they presently have—I mean grand juries—if they are foreclosed in that possibility then they have, *a fortiori*, no role to play by reason of the very way in which you see them operating. So with these various arguments I could, sir, go on.

You know this has been a rather dull session this afternoon, enlivened by a certain amount of invective, and what not, against your replies to the grand jury. But I would say that there is a balance here that was not actually reached in terms of the recommendations which they made in all good faith. To castigate them for trespassing beyond their bounds seems to lack *noblesse oblige*. After all, they were seeking to assist your department. They were seeking to bring to light a lot of stuff that is under a bushel.

We, as members of this House, have not the facilities or the time to go wandering around the corridors down there to see how the boys are wasting their time, or how they are sitting on cases, and why things are being remanded indefinitely, and any number of other things. Again, the answer, of course, lies finally in an ombudsman, or someone who will take over these functions. I am sure that if the minister wanted to set up a subsidiary body to assist him in this regard that would be within his purview. He could even call upon the members of the Legislature in this regard and we would accompany him on occasion.

Mr. Singer: Could I interrupt the member just for a moment? Mr. Chairman, unfortunately, I have to leave, I have a very urgent appointment. I just want to reserve my right

to return to grand juries tomorrow and to petty juries. I will read *Hansard* for the Attorney General remarks.

Mr. Chairman: Yes. I hoped to conclude that this afternoon, but it may be that we will not, in any event. I think, under the circumstances, that we might leave this one open for the member tomorrow afternoon.

Mr. Singer: Thank you, Mr. Chairman.

Mr. Chairman: Carry on.

Mr. Lawlor: Thank you, Mr. Chairman. I think I have said as basically and succinctly as I know how, what I have to say under this head. I do call for the abolition of the grand jury irrespective. I think there can be no question about it that it should be replaced by an officer with wider powers than they ever hope to have, who could perform the function at greater depth than they have ever been able to perform it on their own advice and admission. Thank you, Mr. Chairman.

Mr. Chairman: The member for Humber.

Mr. Ben: Yes, Mr. Chairman, there are two aspects to this grand jury. One is the function—the duties and function they perform and the other is the investigation. The grand jury has been around for a long time—

Interjection by an hon. member.

Mr. Ben: I am not being Anglo-Saxon.

Permit me to make this comment about the Anglo-Saxons as a race. Some people say that they are tradition-bound. But if one makes a detailed examination of what they refer to as tradition and tries to find a reason for its perpetuation, one usually finds some solid reasoning behind it.

Take, again, this grand jury function that the grand jury itself says should be eliminated and also which McRuer says should be eliminated. That is, having the indictments brought before them and determining whether or not that they should proceed.

One of the grand jury reports that the hon. member for Lakeshore read was to the effect that the jury complimented the crown attorneys on their presentation of the case and suggested that the case had been well prepared and that the judge hearing the preliminary presentation of evidence had done his job, and so on, and that there was little function for them.

It rather causes me to ask this question: Could it be that, as in a laboratory, the mere

fact that you are observing, changes the nature of the experiment, so here the very presence of the grand jury as an institution was responsible to no small degree for the crown attorneys having their material well prepared and presenting their cases properly? Could the presence of the grand jury be responsible for the way the magistrates dealt with the matter?

Could the presence of the grand jury be the reason why there are so few no-bills, i.e., that, knowing there is another review body up above which has judgment on the results of the preliminary hearings, the people who are holding the preliminary hearings are more inclined to adduce sufficient evidence to ensure that there is a case? That could be a very useful function of the grand juries.

Second, if someone was to say here—

Mr. Lawlor: May I interrupt? Could just the opposite not be the case, though—that knowing there is a review function higher up, they may not exercise the same degree of scrutiny down below?

Mr. Ben: Oh, but the grand jury complimented the statement you read about the grand jury's report—complimented the people below on how well they did their job. I am just asking, could it be that they did their job so well because they knew it would be reviewed by the grand jury? Your argument could hold; I suggest so could mine.

Mr. Lawlor: All right.

Mr. Ben: Then, if someone here were to say: "Mr. Ben, an examination of the proceedings of the grand jury for X number of years past shows that not one no-bill was returned," I should say, "Well, maybe that is the reason for indicating that the grand jury has lost its judicial function." But I know that is not true.

Will the Attorney General tell me that last year there were no no-bills—

Mr. Lawlor: There were very few. Last September there were 102 true bills and one no-bill.

Mr. Ben: There was that one no-bill.

Hon. Mr. Wishart: I am a defender of the grand jury. I will not tell you that there was—

Mr. Ben: There was one no-bill and even if there is not one I would suggest that it is justification for the existence of the grand jury.

I am reminded of the sanhedrin—and my friend, being a scholar, might be interested in reading a translation of the Talmud in English. Speaking of the sanhedrin, it was pointed out that if the sanhedrin, in reviewing a sentence of death, is unanimous in its decision that the death sentence should be imposed, then the death sentence must not be imposed. Because the fact that all of them arrive at the same decision causes one to believe that there must have been prejudice, that there was not one man to defend the accused. That was the reasoning behind it.

I would be very suspicious of the function of grand juries if there was no true bill returned. But as long as one true bill is returned and some citizen—

Hon. Mr. Wishart: One no-bill.

Mr. Ben: I am sorry, one no-bill—and some citizen is saved the enormous expense of a high court trial to establish his innocence, then there perhaps is justification for its existing. If money must be wasted in the administration of justice then I would suggest that the justification for its waste would lie on the government wasting it to ensure the liberty of the subject, rather than the subject having to waste it to ensure approval of his own innocence and assurance of his own liberty. For that reason I would like to see this particular judicial aspect retained.

They say if the Good Shepherd has 100 sheep and he loses one, he goes after that one. So maybe we ought to consider that if one no-bill is returned by that grand jury, then that grand jury performed its function at least in this one regard. That is my opinion, and I am going to defer to the philosopher now to have a further say.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: I am surprised the member for Humber did not use the argument saying that better the 10,000 should go rather than one elusive man, with—

Interjection by an hon. member.

Mr. Lawlor: —the whole works, the rhetorical flourish and the rest.

Mr. Chairman: Order please, gentlemen. One at a time.

Mr. Ben: Oh, we have a nice dialogue going here. Do not be mean.

Mr. Chairman: *Hansard* has a pretty rough time when that kind of dialogue goes on.

Mr. Lawlor: I think the hon. member is just being cross-grained this afternoon and taking the position, Mr. Chairman, to tickle not only myself but his own confreres.

Mr. Ben: Against your arguments.

Mr. Lawlor: I shall not answer them.

Mr. Chairman: Any further discussion on juries? We will not be foreclosing this because of the request made and granted to the member from Downsview, so we will leave that open for tomorrow afternoon for anything further and go on then to petty juries. Any discussion on the subject, I think, that was open?

Mr. Ben: May we hear the minister's comments?

Mr. Chairman: Yes, excuse me, gentlemen. Certainly I think it would be appropriate to hear from the minister.

Mr. Ben: He pulls this closure on everybody, Mr. Attorney General.

Mr. Chairman: You see I am non-partisan.

Hon. Mr. Wishart: Mr. Chairman, I was going to take some small exception to your ruling that we could leave votes open, but I only mention it in passing; I will not really object. It seems to me we cannot get into the habit of a member coming forward in this committee and saying, I am not going to be here; I have other business. I think we have to keep in mind that we have got to get on with the business.

Mr. Chairman: I must say, Mr. Minister, that occurred to me, but only after I had made the ruling and the member had left. I trust that it will not be taken as a precedent for future deliberations here in this committee, because we might never get anything done. I also consider it unfair to other members who doubtless from time to time and in the future have faced and will face the same sort of problem. I do not propose to repeat that.

Hon. Mr. Wishart: All right. Thank you, Mr. Chairman. I was only going to suggest that it not become a precedent, because I fear that we might be here until Christmas.

I feel that perhaps today we are spending a lot of time on a subject which is important but maybe not justifying all the time we are taking. And for the member to go away saying, "I want to return to it tomorrow" rather disturbed me a little bit.

We have had a very erudite and perhaps interesting and delightful discussion about the historical background of grand juries and the role they played in the past and so on. I would just add a very brief comment there that if the hon. member for Humber will relate back again in history, he will agree, I am sure, that when "the hundreds" were in action, Parliament had not developed. It was not the great institution it is now—I think it was not in existence in the early days of "the hundreds", and the sheriff was the king's officer in the county or the shire. And the coroner was there to look after—

Mr. Lawlor: Not yet.

Hon. Mr. Wishart: Well perhaps not yet, but I think he came along while "the hundreds" were in existence. Anyway, the sheriff was the head of the shire, he was the king's man. I think if he was a good king—he was an absolute monarch—he wanted to see that the sheriff was doing his duties, performing them properly. That he was not keeping people locked up and that he was not arbitrary; that he was affording justice, the king's justice, through the land.

He had "the hundreds" to report to him on how that sheriff was behaving. If he was a bad king, there was a feature there, too. He wanted to make sure the sheriff was sending in all the money he was collecting from the poor peasants. Even the barons and their retainers were paying their shot toward the king's revenues. So he had a group of people and "the hundreds" were pretty capable; they were almost upper-middle class aristocracy and they performed that duty.

With the growth of Parliament came the growth of the free institutions representing the people—the idea of responsible government; the ministry; the Attorney General to administer the law; the Minister of Correctional Services as we have it here, to look after your institutions to see the jails were properly kept up and administered; the Minister of Social and Family Services to see to the welfare of the people and so on and so on.

Those ministers must stand up before the representatives in the Parliament and the Legislature and justify their conduct and their performance before the people's representatives. You have inspectors in almost every branch of government—the inspector of legal offices, inspectors of various kinds all through the service. So perhaps the function of the jury, certainly the function of "the

hundreds" is gone. To argue that because "the hundreds" were there, the juries came from "the hundreds" does not altogether hold a great deal of validity today, because our society has so changed. We have developed a free institution right from the people themselves, to say how our affairs should be run. But I still defend the grand jury. I think that their function has a value and it is one thing that you will not find in the report which the member for Lakeshore read.

Perhaps they did not feel they were paid well enough; that they should not be there performing those duties; they do not make that complaint specifically but I think it is in the back of their minds. Certainly they do not mention, and I think perhaps they did not recognize it, that there is still the value of participation. This I think is the great value—the value of the participation of people in public affairs and particularly, in the law, in the administration of the law by which we live.

It is intangible, perhaps, but they come and they must perform that duty. Perhaps they should not be paid a high wage for doing that; perhaps the idea of some service to public performance is part of that system, and should be. I think to take that grand jury away, and I did not quarrel really with the grand jury going as far as it did here—not that I say it should not have inspected those institutions. Perhaps in the strict reading of the law, there might be some line you could draw. Perhaps the law should be redefined, as the member for Downsview suggested, to say: Here they come and these things they do and our lines of duty and function are defined.

But what I think they did not discover—and I think this is where they lack knowledge; this is not critical—the delays in the court, the backlog of cases; did they find the true cause? Did they go into the crown attorney's office and say "You need more crown attorneys; you should pay them more and get more of them." Did they know that the reason for the backlog was that the lawyers, defence counsel particularly, were asking for remand after remand; that there were reasons, and perhaps for many of these remands, there were reasons of sickness or illness—

Mr. Ben: That is an old note, Mr. Attorney General.

Hon. Mr. Wishart: —or the escape of witnesses and so on? Did they find the true reason for the delay?

Mr. Ben: A point of order, Mr. Chairman—

Hon. Mr. Wishart: Many of these delays were deliberately designed and you cannot get on with them.

Mr. Ben: A point of order. Mr. Attorney General, I have to interject here.

Hon. Mr. Wishart: A point of order?

Mr. Ben: Yes, because you are leaving the impression with your statement that the delays are caused—

Hon. Mr. Wishart: Many of them.

Mr. Ben: —that they are caused by solicitors. I want to point this out to you, Mr. Attorney General, that yesterday and today, I appeared in your provincial courts. I am defending some people involved in a demonstration in front of a consulate—

Hon. Mr. Wishart: It is ready to go on.

Mr. Ben: —because, sir, I understand you ordered or someone ordered that His Honour Judge Bigelow be seized with these cases.

Hon. Mr. Wishart: That is the law.

Mr. Ben: No. They rotate these magistrates from month to month, but someone has decided that he shall be seized with all these cases. We, counsel, found ourselves in the position that if he could not hear the case before July 20, 21 or 23 they had to go over to September, because he was not going to be sitting in that court. Not only that, but because of this—if they did go over to September, if they could not be heard before July 20—he made them peremptory. This to me is not cricket to the degree that no magistrate should take upon himself to be seized of cases where no plea has been entered. That leads to abuse of court privileges and this is something that you ought to look into right now.

Hon. Mr. Wishart: What about the peremptory side?

Mr. Ben: I beg your pardon?

Hon. Mr. Wishart: Did you object to the peremptory?

Mr. Ben: I objected to the peremptory, and I pointed out that since I was prepared to go on after July 20 and any time in the month of August and they were compelling me to go over to September, it should not be made peremptory. Today, I had one case and I asked that it be put over the same day, and they insist on making it peremptory which in

essence makes my previous cases peremptory too, if you follow my reasoning.

Hon. Mr. Wishart: Yes.

Mr. Ben: I say they had no business making them peremptory, since it was at their dictatorial insistence that the cases either be heard before July 20 or then suit the convenience of the magistrate who, either upon his own volition or on your instructions or by someone in your office, took it upon himself to be seized with those cases.

Hon. Mr. Wishart: Well, Mr. Chairman, if that is a point of order, I would look into the question of how a magistrate who has never touched a case can be said to be seized of it. That may be part of a system which maybe should be looked at. But if we are to dispose of some of the backlog of cases, the courts must have, I think, the power at some stage—I would say at an early stage—to say to the counsel: “Get on with this case.”

Mr. Ben: Yes. I might say that we appeared yesterday and today for one purpose only. No pleas were taken, but only to set a date.

Hon. Mr. Wishart: Right.

Mr. Ben: In other words, the date that was set was the first trial date.

Hon. Mr. Wishart: All right. I have noted the remarks, but I was not saying that in every case the delays are due to what I have indicated, but a great many of them are. The majority of them are delays brought on by the counsel who do not want to get to court, and I am not sure the grand jury appreciated all this.

All I am saying is that in some of their studies they did not have an awareness of what were really the basic reasons for some of their criticisms. I think they have a value. Perhaps their function should be widened, and perhaps there is considerable room for some improvement in their function.

Mr. Ben: But if this Legislature holds a tour in the first week in September up to Moosonee again, I will have to miss it.

Hon. Mr. Wishart: I think, Mr. Chairman, I have said all I want to say. I really do regret that we have to return to this subject. Not that I mind listening to the hon. member for Downsview tomorrow, but it seems to me we are probably going to be reviewing much of what we have dealt with here this afternoon.

Mr. Chairman: We will go on. The member for Lakeshore on grand juries?

Mr. Lawlor: However that may be, and even perhaps to give some continuity to the argument, but you are not going to escape this easily, I am afraid. I think it was a mistake to grant this special favour and had it not been granted perhaps I would shut up.

Let me put it this way: As a member of this House, I have learned to argue strenuously only in one direction, not like good counsel should, bringing the opposite side to bear. There are grand juries who do commend their own functions but they are far outweighed by those who do not. I think that is a fair statement.

In one grand jury of September in the supreme court they give numerous arguments for their retention, which I will not go into, because they are heavily watered, you know, because they are weak arguments, and I think the other people are far shrewder characters.

Hon. Mr. Wishart: That is a prejudiced point of view.

Mr. Lawlor: A most serious limitation on the grand jury is that its members are obliged to serve for a token rate of remuneration—this is at page 8:

Most grand jurors are in the position where they have to earn a living, support families and a tour of duty represents a sacrifice. While this is unquestionably the public duty and one which this grand jury is honoured to perform, nevertheless there is a practical limitation in the amount of time that can be devoted for the inspection of institutions.

Then we go on and say:

Another limitation on the grand jury is it has no independent expertise available other than legal counsel. We have observed instances where it would have been desirable to have architectural, engineering and medical assistance, medical advice, in order to offer valid criticism and constructive recommendation.

Then this grand jury also berates, or takes issue with, the fact that there is no follow-up on what they say. No matter what they say, nothing is going to be done about it anyway.

One final thing about grand juries; they were abolished in Great Britain in 1933. They were going to be abolished prior to the First World War in Great Britain, but

the war intervened and then the natural lassitude that attends the legal profession intervened even after that, so they went out. In introducing the bill to abolish grand juries, Sir Thomas Inniskip, Attorney General for England, said:

We all recognize that in this particular age we cannot afford to pay too high a price for sentiment and your position is pure sentiment.

The conclusion is that grand juries are not serving any really useful purpose and are at the same time very expensive.

Grand juries were abolished in Manitoba in 1923; in British Columbia and Quebec in 1932; in New Brunswick in 1959. Alberta, Saskatchewan and the Northwest Territories have never had grand jury systems and it is left with a small pocket of extreme conservatism, hankering back to the ancients for the sake of ancientness, in about two or three provinces.

When Mr. McRuer gives as much attention and takes as strong a stand, arguing as well as he does, in an area of this kind, I think it should at least give you severe pause in the face of things.

Hon. Mr. Wishart: You mean it should give me a severe prod?

Mr. Lawlor: Well, prods or pause, take it as we will. Just to answer the hon. member for Humber, McRuer's business of *certiorari* is designed precisely to answer his case. In other words, if a person is committed for trial there is no reason in the world why he ought to go on for actual trial if the lawyers advising him conclude that there is not adequate grounds. They have a right to take the matter, in effect, on appeal or by way of *certiorari*, to a higher court to have the matter excluded and prevented—

Mr. Ben: The lawyer does not know what evidence is presented to the grand jury.

Mr. Lawlor: No, but he knows what was in the preliminary inquiry and therefore—

Mr. Ben: Oh sure, but they do not—

Mr. Chairman: Order! One person at a time, please.

Hon. Mr. Wishart: He is making a point of order, he says; that is your ruling is it not?

Mr. Chairman: I do not think it is a point of order.

The member for Lakeshore.

Mr. Lawlor: Much as I wish to say good about grand juries, I think the case is overwhelming and I can see a glint in the eye in the nature of romantic sentiment in the preservation of ancient institutions.

Hon. Mr. Wishart: Are you going to petty juries now?

Mr. Lawlor: I guess we go to petty juries now, yes, unless somebody else has something else to say on grand juries.

Mr. Chairman: No further discussion on grand juries for the remainder of the afternoon, so we will go to petty juries.

The member for Lakeshore.

Mr. Lawlor: In the role of petty juries it has been mooted abroad with ringing cries about the ears of the Attorney General of this province—this abolition. Curious, you know; accusing him on one hand of retaining an otiose institution—one that was completely outdated—and, on the other hand, one which has some viability he was apparently predisposed to abolish on the basis of a page and a half of McRuer. The page and a half involved, of course, are 859 and 860 of volume 2 of the famous report.

Hon. Mr. Wishart: Much more definite language than he used about grand juries.

Mr. Lawlor: Oh, I do not think so. Bring me back—let us just take the very last paragraph of McRuer on grand juries:

We have concluded—

That is the editorial “we”—

—that if the party never speaks in any other way, that if the powers or review of commitments for trial were extended as we have suggested, the argument in favour of the discontinuance of the grand jury system in Ontario would outweigh the arguments in favour of its continuance.

That is fairly strong and that “if” is a small “if”; I think it is hypothetical, you know. You can easily overcome that by a stroke of the pen.

As far as the other juries are concerned, the pivotal phrase, as you say, I suspect is stronger than may appear to be so.

The conclusion we have come to is that the trial of civil cases by jury is a procedure that has outlived its usefulness in Ontario. Instead of the jury being used as a protection for the weak, it is now a weapon in the hands of the strong. The

uncertainty of the verdicts of jurors increases the hazards of litigation. This uncertainty is a very compelling force brought to bear on the inexperienced litigant when considering settlement with a formidable and experienced opponent.

Mr. Ben: I take it none of the decisions was ever appealed?

Mr. Lawlor: To continue:

In most personal injury cases the plaintiff is opposed by an opponent of great experience. The conclusion we have come to is that the trial by jury in all civil cases, except those based on defamation, should be abolished.

Mr. Ben: Did he say why that should be the case?

Mr. Lawlor: No, he expects that you can read between the lines and know the role of insurance company counsel; of the weight that they carry, through sheer experience in the courts, and so on; the various machinations through which they go; the great sums of money expended through investigators, detectives and others in proving and seeking to prove something that is completely unprovable, but which is almost invariably proved. This is what bears in his mind—he does not say so, but that, of course, is what is precisely in his mind. This, in part, is the reaction of the bar in this particular area, particularly by the advocates committee, many of whom have these ties and are insurance lawyers, and therefore have a real vested interest to protect.

I weighed all those things in the balance, sir, and I still say—

Mr. Ben: You just finished saying it is a tool of the rich rather than protection for the poor.

Mr. Lawlor: You are never more serious than when I am cracking jokes.

Mr. Ben: I am not cracking jokes. You just contradicted yourself completely.

Hon. Mr. Wishart: He has not given his conclusions yet.

Mr. Lawlor: I have not even come to any conclusions yet. I intend to contradict myself if I possibly can.

Mr. Ben: If you took him to court, you would not need two lawyers. He argues for both sides.

Mr. Lawlor: Of course, this is the operation of intelligence.

Mr. Ben: It is?

Mr. Lawlor: If people can only see one side of the argument, well—

Mr. Ben: Then it is a double duty.

Mr. Lawlor: I always say, you know, I think that they are somewhat purblind. In any event, please let me continue.

The reason, effaced upon historically, is that, again, many jurisdictions have either abolished it or only very small numbers of cases are actually taken before a civil jury. For instance, in Nova Scotia, the number of cases in the supreme court there would not be more than five per cent and the civil cases tried would probably be as low as two. In New Brunswick, counsel for the Attorney General could not recall one civil case tried by jury in the last 10 years.

In Prince Edward Island, about two jury cases were tried by a jury in a year. Quebec has a limitation in that the amount must exceed \$5,000.

Now I quite suspect the French Canadians built into that jury. Not being on all fours with the civil code and not being enlightened with the *Code Napoleon* they said, "Well this is an alien institution and we will only use it with modification." In any case, very few cases are tried in Quebec. The result is that few cases are tried by civil jury.

McRuer goes on about Manitoba, Saskatchewan and Alberta down through the page and comes to the same conclusion all the way along, that its utility is not very great, and its cost is considerable.

Over against that, Mr. Chairman, there is a good deal to be said on behalf of the retention of the civil jury. My fundamental position is that it ought to be retained. The Attorney General would not dream of advocating to this body or to any body, with regard to the abolition of criminal juries. Yet I argue with you that the very same reasons obtain in the retention of civil juries as in the case of criminal.

In the same way, the democratic argument, the fact that the jury has a fundamental role to play as a barometer of the public sentiment in this particular area.

Hon. Mr. Wishart: But I object before the hon. member gets away from that statement,

that they have the same argument. I would like him to reconcile the statement which I think is true, about the civil jury, petty jury, in a civil action; where it said "that it has become a weapon in the hands of the strong instead of a protection for the weak." I think the very opposite must be said about the jury in a criminal trial. Surely, that is the protection for the accused, usually the weak? How do you reconcile the two in the same argument?

Mr. Lawlor: You reconcile it this way. That the crown counsel representatives in most cases tried before juries in your courts, are men of deep and vast experience against a lot of neophytes, wet behind the ears, who do not, in many instances, have anything close to the same experience.

Hon. Mr. Wishart: So the grand jury is protecting the weak?

Mr. Ben: Weakening it.

Hon. Mr. Wishart: But the petty jury, as the statement says, is protecting the strong. They are at opposite ends of the pole.

Mr. Lawlor: You cannot have them both ways.

Hon. Mr. Wishart: You are saying that it is the same. I say, it is vastly different. Diametrically different.

Mr. Lawlor: I say it is diametrically the same, if that can be so. I want to quote from an article written by Harold Greer. You know, Greer should be given a certain amount of credit. He is about the only reporter who has the status of a syndicated columnist in political matters in this country and certainly in Ontario. Most of his stuff is at least thought about, and thought through to a considerable extent. Having given my little "Emmy" award as I pass through this afternoon, I want to quote from an article contained in the *St. Catharines Standard* of May 13 of this year:

The jury system is the last instrument of citizenship participation in the courts. We ought to find ways of enhancing their importance and increasing their duties—

Hon. Mr. Wishart: That goes for the grand jury too.

Mr. Lawlor: I knew you would say that. —rather than allowing them to disappear.

That seems to me, in the case of civil juries and not grand juries, to have relevance and

pertinence. Next I would like to turn, and I am sure the Attorney General has spent time perusing it, to the submission made by the special meeting of the board of trustees of the County of York Law Association, in April this year. In it they take severe umbrage; 90 per cent were strongly in favour of the retention of civil juries. They go on to say —

Mr. Ben: I wonder what percentage of the other 10 per cent were in favour but not strong enough?

Mr. Lawlor: They say:

The majority of this committee favoured the retention.

For the reasons they give in appendix B, which we will turn to in a moment.

All of the committee members were of the view that there was room for improvement in the process and technique of trial by civil jury. In particular the committee felt that we, as a society, should take active steps to effect improvement in the system of trial by jury to minimize the personal inconvenience to jurors, and to assist the jury in arriving at a more realistic assessment of damages in personal injury cases.

This has wide application, Mr. Chairman, not only with respect to jurors, but with respect to witnesses and the whole operation of the courts, which, to some extent is mitigated by having night courts and things of that kind. The very fact that we retain the long vacation; that judges do not hear trials by way of appointment but to suit their own interests and their own time schedules to the total inconvenience and ignorance of the public, by not setting up their schedules in terms of accommodation to the public at large, is something that must be seriously questioned in this jurisdiction at this time.

Mr. Ben: Point of order, that is not so.

Mr. Lawlor: It is not a point of order.

Mr. Ben: Well, it is.

Mr. Chairman: Order! The member for Lakeshore has the floor.

Mr. Ben: He is sitting.

Mr. Lawlor: It was suggested for example —the next time I have the hon. member on a platform—maybe I had better not get too rough; I get reported in the papers if I do. I will abandon what I was going to say.

It was suggested, for example, that legislation might be introduced or rules changed to permit the judge to mention minimum and maximum figures of general damages to the jury in his charge. Two solid pages of fairly solid argumentation—

Mr. Ben: Two pages?

Mr. Lawlor: No, it is three pages. They give their reasons for the retention of the grand jury, of the civil jury and I think it should be read into the record.

In a most superficial examination covering but one and a half pages of the report and buried in the chapter headed "Compensation for Jurors and Witnesses", the commissioner has recommended that juries for the trials of civil cases, other than trials arising out of death, should be abolished. The basis for the recommendation is that of Canada and England, only in Ontario and British Columbia are a significant number of jury trials held; that a jury increases the length of trial; and instead of the jury being used as a protection for the weak, it is now a weapon in the hands of the strong, because in most personal injury cases the plaintiff is opposed by an opponent of great experience.

In our view, these arguments are not valid. The fact that civil jury trials are not common in most of the provinces of Canada and England is no more a test of efficacy of civil jury trials in Ontario than is their prevalence in Ontario testimony to the inadequacy of the judicial process in those other jurisdictions singularly.

That was a complicated argument.

The mere fact that jury trials may take longer than non-jury trials cannot of itself be a reason for abolition, unless we premise that the speediest justice is the best justice.

Mr. Ben: On a point of order. Cannot the Chairman make a ruling against reading so much?

Mr. Lawlor: I will interject in between readings then.

Mr. Chairman: I think it is perfectly appropriate for him to read into the record pertinent sections dealing with his argument. I do not consider that the hon. member is out of order by reading this into the record.

Mr. Ben: I will not accept that as a—

Mr. Chairman: Once again, the member for Lakeshore has the floor.

Mr. Lawlor: You may read some of the book of the Pentateuch about the sanhedrin, and at that stage it would sound objective—like a filibuster, George. Anyway, this is extremely pertinent stuff; this is the trial lawyers of the county of York.

By the way, on the business of the greater length of trials with juries, I suppose that the process of impanelling the jury does use up a considerable amount of time at the beginning, but thereafter my feeling is that by and large it does not take that much longer to get the evidence in than it would in a trial without a jury.

Hon. Mr. Wishart: Many of the wrong judges' charges, as a rule—

Mr. Lawlor: It is the charge that takes time. You are right.

Hon. Mr. Wishart: Rejections and recalling and so on.

Mr. Lawlor: Similarly, they say that the speediest justice is not necessarily the best.

More authorities are cited by the commissioner for the conclusion that the juries act to the disadvantage of injured plaintiffs because of more experienced defence counsel. So often the attractiveness of the jury system argues the very opposite; the jury are so swayed by sympathy and emotion that their verdicts are unduly favourable to the injured claimants. There is no suggestion in the report that criminal juries be abolished, yet in all criminal trials the Crown is generally represented by able, experienced counsel.

By the same reasoning, one would come to the conclusion that the defendants in criminal jury trials are prejudiced by the superiority of prosecuting counsel. That is the argument that I think has considerable validity. Whether the tribunal, or whether the matter in issue be a motor vehicle accident involving personal injury is the most esoteric problem of law—

Hon. Mr. Wishart: Mr. Chairman, I wonder if the hon. member would let me interject. I think he knows, and he will not deny for a moment, that the most experienced counsel—I do not say this with any disparity on the crown attorneys—but surely those serious criminal charges are defended by the most able counsel.

Mr. Lawlor: That is the question.

Hon. Mr. Wishart: That is contrary to that statement.

Mr. Lawlor: If you have read the "Brothers Karamazov", Ivan, at some point in the story says, "All the arguments that we use in this world are two-edged swords; it depends upon which way you pick up the sword".

Hon. Mr. Wishart: You are certainly going to cut yourself today.

Mr. Lawlor: Quoting from all these eminent counsel, I thought I had actually seized Excalibur. I can see me disappearing with the thing beneath the waves.

Hon. Mr. Wishart: There is a point when you have to fling it away, you know.

Mr. Lawlor: Any remedy, in this regard, however, should be designed to increase the competence in counsel rather than to summarily abolish juries or otherwise change the judicial system, which is the best yet devised by man to resolve disputes. An institution of such long standing as firmly enmeshed in our judicial processes as the civil jury, ought not to be abolished or restricted without a most thorough examination. An assessment of the adequacy of the jury system must take into account the monumental University of Chicago's jury project which was engaged for several years in substantial research into jury behaviour.

The major report on the civil jury is in the course of publication, but in an interim commentary on the dignity of the civil jury in 1964, "Virginia Law Review 1055," Professor Harry Calvern jr., director of the project, set out some of the findings. He said:

There is much evidence that jurors are seriously responsible toward their task, and that jury service increases the public's preference for trial by jury.

The project results lead to the conclusion that the jury understands well enough for its purpose and that its intellectual incompetence has been vastly exaggerated. A questionnaire was answered by a sample of some 1,060 trial judges in the United States and 91 per cent were against sharp curtailment of the civil jury.

Professor Calvern concluded:

It should be stressed that it is not the primary purpose of our project to appraise the jury but simply to study it. In the course of the many years of that study, it should be clear that I, personally, have become increasingly impressed with the humanity, strength, sanity and responsibility of the jury.

Mr. Chairman: I wonder if there would be such a possibility that the member could find a suitable place to break off?

Mr. Lawlor: I would move the adjournment of the debate.

Mr. Chairman: Gentlemen, it being 6 of the clock, the meeting stands adjourned to be reconvened at 3.30 next Monday afternoon; sorry, 3.30 tomorrow afternoon.

Mr. J. Renwick: Mr. Chairman, should we not start at 3.15 or 3 o'clock?

Mr. Ben: Sometimes the minister takes a little longer to—

Hon. Mr. Wishart: I would like to get these estimates forward, but I trust all the members appreciate that the minister has to be here from 3.30 to 6 o'clock and there is very little time to do any work in the office.

Mr. J. Renwick: I did not think you had anything else to do.

Hon. Mr. Wishart: I could use that half hour.

The committee adjourned at 6 o'clock, p.m.

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ONTARIO

Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 11, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 11, 1970

The committee met at 3:35 o'clock, p.m., in committee room No. 1; Mr. G. R. Carton in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (continued)

Mr. Chairman: We will call the meeting to order. The substitutions have been noted. I believe Mr. Lawlor had the floor when we finished yesterday. We told Mr. Singer that we would allow him to go back at 3:30 to the issue of grand juries. So, Mr. Lawlor, do you want to carry on with what you were discussing or shall we go back to the grand juries?

On vote 904:

Mr. P. D. Lawlor (Lakeshore): I am almost finished, Mr. Chairman, if I may.

Mr. Chairman: Right.

Mr. Lawlor: Mr. Singer had no reason for hesitation or reservation about leaving yesterday. My remarks were designed solely and exclusively not in the interest of the issue discussed, but simply to provide room for you, Mr. Singer.

Mr. V. M. Singer (Downsview): Thanks.

Mr. Lawlor: However, I would say that the remarks in question were so exhaustive and so—

Hon. A. A. Wishart (Minister of Justice): And so exhausting.

Mr. Lawlor: —that I do not think there is very much left for Mr. Singer to say. However, I trust he will not disappoint me in that regard.

I had been reading a document, the minutes of a special meeting of the board of trustees of the County of York Law Association on Monday, April 13 of this year, and had almost completed appendix B, in which they are giving their reasons as to why civil juries ought not to be abolished in Ontario.

I will just finish it up; there is only a paragraph to go:

In our view, these arguments are not valid. The fact that civil jury trials are not common in most of the provinces of Canada and England is no more a test to the efficacy—

I am sorry, I have read that portion. On page four they mention the Linden study—I think it is Professor Linden—on the compensation for victims of automobile accidents, and state there was a decided preference for the jury system among people who were injured, with this preference increasing in direct proportion to severity of the injury.

Jury service is an important civic experience for the citizen. It makes the law and its authority less remote. Jurist participation in judicial process must make him have more respect for the system and more ready to accept its decisions. One strength of the jury system lies in the fact that it operates as a group. Jurors bring to the adjudication process a sense of equity and a common sense and experience of community to temper the often cold and impassive law. It is the experience of lawyers who regularly try jury cases that the consensual decision of the jury is usually sound.

Then he goes on to mention a public study by Mr. Justice Haines contained in "Studies in Canadian Tort" as to his thoughts about the future of the civil jury.

In winding up what I have to say about this matter, I will simply review two major points.

The problem of the length of trials is one consideration. It is contended that juries do cause a greater lapse of time, a greater consumption of time.

Of course, this is equally true about criminal cases, in the selection of the jury, and again the charges of the judge and the whole process perhaps of questioning. One may take a little longer and one may dwell upon an issue a little more, simply to impress the jury with the right emphasis, the emphasis you are desirous of making.

So that in both cases, if it is a question of length of trial and the expense incurred thereby, then there is equal reason to abolish the criminal jury.

As for the second reason, that in the case of plaintiffs in civil actions, particularly, perhaps, in automobile negligence actions, being faced by an opponent of superior experience and the effect that may have upon the jury system.

Again I think there is some parallel, although the Attorney General and I had some colloquy about this yesterday, as to an accused being represented in the same circumstances. I think there is some parallel and validity in saying that if the jury system is to be abandoned in one instance, it should be abandoned in the other.

It has been said that in the case of insurance lawyers in civil cases who have acquired a certain trapping of ignorance over a period of time, that the use of this is to the detriment of younger counsel.

My feeling about it is that if the younger counsel or even an older counsel inexperienced in those courts, is sufficiently inexperienced or callow or obviously in a state of distress before the jury, the tendency is—and I think these insurance advocates will agree with me—for the jury to feel sympathy for the younger counsel and make redress to balance the odds in their own peculiar way.

Therefore, experienced trial counsel are rather fearful of facing inexperienced, usually younger counsel before a jury for this very reason.

There is a peculiarity in that element of advocacy at the bar that many of these people who have presented this document to you are the last ones to use a jury in many instances. If a plaintiff's counsel issues a jury notice, they promptly move to have it struck out.

My feeling is that perhaps 50 per cent of the time they themselves are quite prepared to, and do, issue jury notices in trials of actions; they are not fearful of juries. It depends upon a range of circumstances.

I think if the damages are extremely high, if they are going after high damages, in excess of say \$150,000 or \$200,000, they do not want to go before a jury because these are astronomical sums to juries while the judges can take them more *en passant*. So this sort of consideration enters into the proposition as to whether insurance counsel would choose a jury or not.

On the whole I think it is exaggerated, and the heightening of language that occurs in

Mr. McRuer's book over this subject seems to me somewhat extravagant in the context over the role of the jury as a conduit between the citizen as a whole and the administration of justice.

After all, the jury does not exercise any specific function over the law. They are simply judges of the facts. The law is always reposed in the judge hearing the case.

Judges do incline to become calloused and indifferent and somewhat obtuse, somewhat irascible over periods of time, having to face barrages of various sorts of lawyers. The clemency and the air of common sense and feeling to what is going on in a community is maintained and borne out by a jury, in civil as well as in criminal areas.

There ought to be a special tribunal for the trial of those automobile negligence cases in any event, and liability, irrespective of fault would be the dominating motif in that sort of case. That alone would remove many or most of the very problems being argued here.

Interjections by hon. members.

Mr. Lawlor: The member for Humber (Mr. Ben) was going to hold a seance and start rapping on the table.

In any event, I put that caution in as to the way we view juries in this party. We would prefer not to have that particular kind of case for the reasons that are mentioned down through the years in any number of reports.

I think it is instrumental and influences the decision on the wording of Mr. McRuer very strongly, that very thought in this particular area of work.

But lawyers would nevertheless appear before these tribunals, and while it was not based on a particularly adversary concept as it presently is, it would be a far more give-and-take and co-operative motif, for exposition, agreement on facts in advance and what not. They would nevertheless be in contention and some would be, willy-nilly, superior to others.

Those thoughts I leave with you, Mr. Attorney General and ask you not to move into the area of the dissolution of civil juries.

Mr. Chairman: Mr. Singer.

Mr. Singer: Mr. Chairman, I want to address myself very briefly to the question of grand juries. I have read the proof of *Hansard* and the remarks that were made after I left, and let me say only this to supplement what I said earlier.

There is nothing that I read in the Attorney General's remarks which clarify this situation at all. The difficulty that we experience with the Attorney General is that he seems so anxious on all occasions to avoid any commitment on any side of any fence. He wants to be all things to all people on all questions.

Now, you take one of his remarks—his concern about the comments of the grand jury in the county of York when they referred to the operation of the office of the crown attorney. Or his concern about their complaint about the length of the lists and the slowness of trial and the amount of waiting.

He says, well, had the grand jury really known what they were about—and they had no business looking at the crown attorney's office—or had they bothered to find out that many lawyers cause delays in trial, their answer might have been different. Besides which, they were straying into something they had no business straying into.

Well, that is all very fine, but the fact is that presently we have a sort of grand jury investigative system. It seems to be a system that, if you can lend any credence to the Attorney General's remarks, he is not very happy with.

I say it is up to the Attorney General then to change the system. He, among all people in this room, has that power—with the consent of the Legislature, that is true.

If he took his suggestions to the cabinet council his words would be closely listened to, and I would suspect that if he mounted a good case, probably he would get the kind of legislation he was asking for.

So I say that the time has come during the tenure of this Attorney General for him to begin to take sides in these matters. He does not like the grand jury system as it is presently operated.

Well, does that mean he wants the grand jury only to be building inspectors? If that is all they are supposed to do, then these true bills and false bills cogitation they do is a bunch of nonsense to my mind. But, if he only wants them to be building inspectors then, for goodness sakes, do away with them.

If he thinks it is of some importance, and apparently he does not, they should look into things like the length of time it takes a case to get to trial, or whether or not the crown attorney's office is functioning properly, or whether or not the officials in the courtrooms carry out their business properly. Then, again, let him say so.

But, I do not think it is sufficient for the Attorney General periodically to fly off and violently criticize some aspect of a grand jury's recommendations solely on the basis that he does not think they have any business making such an inquiry. If he really believes that then, for goodness sakes, let us see the legislation that he is prepared to introduce saying exactly that.

For the moment, the grand jury system has been emasculated and the Attorney General continued to emasculate it yesterday; I think the grand jury is being reduced, and he wants it to be reduced to nothing. If that is what he wants, let him bring forward a bill and, at that time we will either support it or not support it, and we will take a firm stand.

For a number of years, I have suggested that maybe the grand jury system has outlived its usefulness. In putting that argument forward, I brought forward certain arguments that I thought sustained my position.

The Attorney General perhaps agrees, perhaps does not. But he does not put his legislation where his words are. That, I think, is probably the most serious criticism that can be made about him and this is consistent in his whole performance.

That is enough for grand juries; let us go to petty juries now. Exactly the same thing exists there. One day out of the blue, the Attorney General says: "Let us do away with petty juries" or "We are thinking about doing away with them" or, "Wait until you see what is in The Judicature Act" and suddenly the storm breaks. People from all over the province of Ontario get very excited about it and the advocates' society presents a very intelligent, logical brief putting forward its point of view. Marshall Pollock, at the instructions of the Attorney General and his deputy, put forward a very intelligent brief presenting the other side of the story.

It reminds me, Mr. Chairman, of the high school debates we used to have a long, long time ago—should the jury system continue? This is no new question. Now, if the Attorney General advocates doing away with the jury system in civil trials, for goodness sakes, let him say so. What good is he doing in furthering the cause of the administration of justice by stirring up a discussion of this type in which he still continues to sit in the middle—on the fence?

If the Attorney General believes that civil juries should be done away with, let him be brave enough to say: "This is what I believe, and there are the reasons."

In our party, we will disagree with that. We believe that it is important that there be some kind of citizen participation in the administration of justice. We are not prepared to accept the thought that—even though it takes much longer for cases to be heard—that all wisdom resides in the minds of those estimable gentlemen who have suddenly been summoned by the Minister of Justice in Ottawa and had the mantle bestowed upon them.

We are not convinced that they are always correct; or because they wear coloured robes and fancy sashes and mount four steps to a podium and then look down on us lesser mortals that that gives them some sort of additional intelligence for making all their decisions.

They are human beings, mostly able human beings, who have their petty foibles and their prejudices; who can make mistakes and do make mistakes on occasion. And I think a very good check on this kind of power is the fact that juries may, from time to time, disagree with the views of a justice of the supreme court or a justice of the county court. I think this is good, because I think it lends some sort of credence to the thought that we do not just set up a group in our society which is above and beyond the rest of the ordinary people in the community and, that periodically, the community can participate with intelligence and meaning in the judicial process.

I would think that the time has come to reform certain aspects of our civil jury system. I would think that the time has gone for the archaic rule that indicates that the mention of insurance in the course of civil litigation is probably the most heinous crime that could be committed in the presence of a jury. I think we have got to presume that when you summon six men for a civil jury that they are reasonably intelligent men who are aware of the circumstances that exist in the Ontario community. They are aware that something around 96 or 97 per cent of the people carry automobile insurance; they are aware that where a plaintiff gets a judgement against a defendant who may not have any insurance, we have the Motor Vehicle Accident Claims Fund; and that, any successful plaintiff is going to get \$50,000 either from an insurance company or from this fund, if the court has adjudged that that is what he is entitled to.

So what is the point in pretending that this does not exist and that this is not in the minds of the jurors—because it is in the minds

of the jurors; it has to be in the minds of the jurors.

I share with the hon. member for Lakeshore, his concern about the method of trying automobile accident negligence cases. And I hope I have detected from the words of the Attorney General's colleague, the Minister of Financial and Commercial Affairs (Mr. A. B. R. Lawrence), the thought that he has a bill on its way that is going to make it compulsory to have some form of insurance which will cover compensation without fault. That is not a new suggestion. I have talked about that for many years and there was a select committee of this Legislature which unanimously recommended that.

The scale to which it should be done has perhaps changed since 1962, but the principle is still there. And as I say, I hope I detected in the words that came from the Minister of Financial and Commercial Affairs that it is his intention and, hopefully that it is the cabinet's intention, to let that sort of principle come into our law. I think this could go a long way to improving what goes on in our courts insofar as this particular type of litigation is concerned.

But over and above whatever your top limit is—we suggested \$5,000 but maybe in the light of the value of the dollar today it should be \$10,000 though I have no strong opinions on that—let the adversary system continue and let the courts decide and let the judges and the juries come to a determination. The suggestion has been made that juries are unreasonably swayed by the superior intelligence of able counsel. I am sure they are equally swayed by the presence of the little old lady, neat and trim and properly spoken who gets into the witness stand and says, "Is it not a terrible thing that should happen to nice old me that this terrible fellow Lawlor ran me down with his automobile and he has lots of money and I have not got any, and should I not get a judgment against him."

They are equally swayed by that sort of thing, whether it is argued in words or whether they just look at Mr. Lawlor and they look at the plaintiff and then come to that conclusion.

Mr. Lawlor: I cannot even afford a haircut.

Mr. Singer: That is perhaps the point. By the same token I say, Mr. Chairman, the judges have—and I said it a little earlier—their quirks. On occasion, they listen a little more intently to counsel who are senior at the bar. You cannot sit in our courts too long before you get the impression that some of

our judges perhaps listen a little more carefully to the more senior men and perhaps pay a little closer attention to what they have to say. If any of those people happen to be benchers, sometimes they are listened to even more carefully.

I do not say this is the rule at all but I say judges are human beings and they are subject to their own peculiarities. If the Attorney General is serious in advocating the abolition of the jury system in our civil courts, then I think this discussion has gone on long enough without a definitive statement by him. If he is not advocating that, then the discussion is pointless, and I think the time has come to ask point blank the question: Does the Attorney General advocate this, or does he not?

If this is government policy, if it is about to become government policy, fine, then we will debate it as such. We are opposed to the abolition of civil juries and I think that is really all that I want to say on this particular point at this time—unless the Attorney General says it is government policy, then I am going to urge government that they not do away with civil juries. I think the case has been substantially made that the role of civil juries and the importance of public participation in the course of the administration of civil justice is a bulwark of our democratic system. If the Attorney General wants to change that direction, then let him say so and then let the debate really get under way in earnest.

Mr. Chairman: Do you wish to reply to the member for Downsview? The member for Humber wants to speak.

Mr. G. Ben (Humber): I advocate that we empanel a jury to listen to these arguments and decide. We have been going on for—I pass. For gosh sakes, say whether you are going to have it or not and let us get this over with.

Mr. J. E. Bullbrook (Sarnia): I do not pass, but my remarks, which are going to be lengthy on this subject, Mr. Chairman, will depend upon the response of the Attorney General, which might be lengthy.

Hon. Mr. Wishart: No, they will not be lengthy, Mr. Chairman. We had considerable discussion yesterday on the matter of the grand jury and on the matter of the jury in civil cases. Actually I think it was a very thorough and extensive discussion. I am not sure the member for Sarnia was here—

Mr. Bullbrook: You can be sure that I was not.

Hon. Mr. Wishart:—and the member for—

Mr. Bullbrook: I do not know whether that was diplomacy on your part.

Hon. Mr. Wishart: I was not going to make it so definite.

Mr. Singer: Mr. Chairman, the only discussion of civil juries—I read *Hansard*—was the remarks of Mr. Lawlor.

Mr. Bullbrook: The vote was not carried?

Mr. Chairman: No.

Mr. Singer: While they were extensive, that is not necessarily the be-all and the end-all of the discussion.

Hon. Mr. Wishart: No. I merely make the point we have had extensive discussion. I think that I have made it plain that I feel there is value in the continuation of the grand jury, that it has a good function to perform. I think I indicated in my remarks yesterday that perhaps there is room for improvement in definition of its duties and functions. I know there was a suggestion that came from some of the members of the committees and I noted it. I shall leave it at that with respect to the grand jury.

I do not think the argument particularly put forward by the member for Lakeshore with respect to the jury in civil cases is the same argument at all for its continuation as for the continuation of the jury in criminal cases—the petty jury.

Mr. Ben: On a point of order, Mr. Chairman. Which member for Lakeshore are you referring to? The one for the one side or the one for the other side?

Hon. Mr. Wishart: I know at the time you said he was arguing on both sides and he sort of admitted that all arguments were two-edged swords. I think that is what he said.

Mr. Ben: Yes, he said he was going to seek another way through Excalibur, if I recall correctly.

Hon. Mr. Wishart: I thought his argument went pretty far toward the abolition of the grand jury. Then he used arguments for the retention of the jury in civil cases. He said the same arguments applied for the retention of the jury in criminal cases. I do not think they are the same at all. I would just say that the jury in the criminal case is there to

protect the liberty of the individual. That is how it was devised, that is how it originated, and where the liberty of the individual is involved, I think it is a very serious and a very important function. I think the jury does stand between the judges and the individual, and that is where it should be and it is very important there.

I do not think the same arguments apply when you are talking about matters of contract which do not involve liberty of the subject—individual, I guess; we do not use the word “subject” any more. I do not feel that the suggestion that we should be considering the abolition of the jury in a civil case has not had full discussion in the debate which has followed. I think this has all been very good.

It has caused a good deal of research, a good deal of consideration, and there has been much brought forward on both sides of that question. I make no apology for suggesting that that is a matter which might come under our consideration, and I merely put it in that light that I think probably it could be brought forward in legislation.

Since it has not been taken to government and is not government policy, therefore, of course, I cannot state it as my policy, or at least my policy as a minister of the government at all, and I do not propose to do so. I think it is good to have this discussion here even though I am not in a position to say this is, or is not, government policy. When a decision of that kind is made, then there will be ample room again for debate.

As for the improvement of the jury system generally, I think perhaps there is room and I shall take the suggestions which have been made under consideration as I study the matter. That is all I have to say.

Mr. Chairman: The member for Sarnia intimated that depending on the Attorney General's answer he was going to give a lengthy or not so lengthy discussion on this particular topic and he is not here.

Hon. Mr. Wishart: We have difficulty in retaining the members of the committee.

Mr. Chairman: Did you wish the floor?

Mr. Lawlor: Just for a moment. What is all this talk then that is going on? Is there a leak in your office?

Hon. Mr. Wishart: No, it was in the House. No leak.

Mr. Lawlor: Is it a case of the Attorney General flying kites to get the wind up his ear?

Hon. Mr. Wishart: I think the member for Kitchener (Mr. Breithaupt) asked a question, if when The Judicature Act comes forward whether there would be anything in it about the abolition of juries in civil cases. I said this could probably be taken into account or something of that effect. That is all I said.

Mr. Lawlor: Did the minister ask the question because of the leak to the press?

Hon. Mr. Wishart: That is all I have said anywhere.

Mr. Singer: That may have been the start but the Attorney General knows the storm that this aroused.

Hon. Mr. Wishart: I know. Discussion is good.

Mr. Singer: Certainly it would appear to me from the length of the paper produced by Marshall Pollock, one of the Attorney General's officials, that someone suggested to him, and not too subtly, that the other side of the case be presented, and that perhaps the Attorney General's intimation that the time had come to do away with civil juries be bolstered by a carefully researched presentation.

I do not think it is unfair to conclude from that, Mr. Chairman, that even though this whole thing was started by the Attorney General's answer, the fact is that his officials have been spending a considerable number of hours on an answer because that effort by Mr. Pollock was a very extensive one, and a very good one may I add. This is just sort of a straw-in-the-wind designed only to cause discussion.

I would think that with all the things that we have to concern ourselves about in the course of the administration of justice, it would be equally incumbent on the member for Lakeshore or myself or anyone else who stood up in the House and said, “Let us do away with civil juries” to document a case and to prepare an argument and to submit it as it is for the Attorney General, who has indicated that in his opinion probably the time has come, and an Attorney General whose staff has been giving him arguments by preparing research briefs to put his case forward.

I think that our time is just too valuable to have an academic discussion on something that really is not in the Attorney General's

mind. If they only wanted a discussion, that is fine. Then I am sure that the chairman of the legal bills committee would be delighted to convene meetings from time to time—or dinner meetings; perhaps we lawyers enjoy dinner meetings a little more. Perhaps if the Attorney General has some more funds available in his accounts where he could take us to a dinner meeting and we could have a merry discussion for several hours some evening about the retention of civil juries just as an academic question.

Hon. Mr. Wishart: It might be very good.

Mr. Singer: But this is much more than an academic exercise. This is the time, and the only time during the course of a session of the Legislature when we have the Attorney General before us and we can question him in this way. It is an important part of our democratic system. I say the Attorney General has an obligation to the Legislature and to the people of Ontario to say either it is his thought or his feeling that the time has come to do away with civil juries, or it is not. I think we are entitled to that kind of a definitive statement.

Hon. Mr. Wishart: Mr. Chairman, again I say I did not initiate the question about civil juries. I was asked a question in the House which I answered that was directed to The Judicature Act. It was specifically asked whether I would consider bringing forward legislation to abolish civil juries or juries in civil actions. I said that probably that could be considered, or words to that effect. I did not, therefore, initiate the subject.

I think the discussion has been good but the fact is that we do research in our office on the matter—we do research not on one side only but on the whole business, the function, the extent of the performance of the jury, the number of cases they deal with, how often they are used by the courts, when cases are taken away from them, the type of awards they give, and so on. These things we should be doing anyway.

Mr. Singer: Could I ask the Attorney General a question?

Hon. Mr. Wishart: We do research on our probation service; we do research on many functions of our office.

Mr. Singer: Is there a similar paper in existence to the Pollock paper which argues for the retention of the jury?

Hon. Mr. Wishart: The Pollock paper I took was a study, not of, as I say, one side of

the case only. It produced statistics showing the number of cases the juries deal with—as I say, the awards they bring down, where judges take cases away from them, how often they are called for, and so on. That is a study which we make on many features of our department. I would add that the original suggestion, I think the most forceful suggestion, the most definite suggestion, that civil juries be dispensed with comes from the commissioner of civil rights, who studied this matter and made the very firm conclusion in his—

Mr. Ben: With an exception, this is what galls me.

Hon. Mr. Wishart: —report. No, on this jury in civil cases he said, the time has come—

Mr. Ben: But he had an exception where civil juries ought not to be abolished. There is one circumstance that was cited by the member for Lakeshore. This is what galls me. You people here, you give obeisance to this guy McRuer as if he was Almighty God and the member for Lakeshore is always quoting him. Yet the whole weakness in his argument was that he did say that in one particular exception he would retain the civil juries. If he retains the civil juries for even one circumstance it means there is a place for them. And you could then argue the next step would be, how about retaining them in this. If you retain them for libel, how about for slander, and if you retain them for libel and slander, how about sedition, and so on.

Hon. Mr. Wishart: I cannot recall that Mr. McRuer, and I do not think we need to debate about juries, or really spend our time on them—

Mr. Ben: The hon. member for Lakeshore said—

Hon. Mr. Wishart: No, that was a grand jury. McRuer, with respect to the civil jury, made one definite statement.

Mr. Ben: McRuer mentioned one circumstance where he would still have civil juries.

Hon. Mr. Wishart: Defamation, I think.

Mr. Ben: Defamation—so there you are.

Hon. Mr. Wishart: Well, anyway, this matter has not been presented to government, I cannot announce any government policy but I am very happy to have the discussion if the members wish to indulge in it.

Mr. Chairman: Does the member for Sarnia wish to have the floor?

Mr. Singer: Could I just make one comment before the member for Sarnia? The Pollock paper, if I could refer to it as that was designed, as I read it, to be an answer to the paper prepared by David—I have forgotten his last name.

Hon. Mr. Wishart: Griffith.

Mr. Singer: David Griffith. Yes. It was the other side of the Griffith brief.

Hon. Mr. Wishart: To a large extent.

Mr. Singer: So it was not a study, it was not just a series of comments pro and con. There was just no question that the Marshall Pollock brief was a direct answer in case anyone ever wanted to use it. But the Griffith paper was a paper saying, "Retain the jury system," the Pollock paper was a paper saying, "Do away with the jury system," Griffith's arguments are—

Hon. Mr. Wishart: Until the advocates brought the question up and presented the brief we did not go into the matter.

Mr. Singer: The Attorney General just blows hot and cold. A few minutes ago he said, "We are always having studies done, they are always being produced and they are on both sides of every question". If the Attorney General did not feel very strongly about doing away with the jury system, why would it be important to detach Mr. Pollock, who has many other responsibilities, from his other work and have him do this lengthy brief? As I say, it is a good brief and it took a lot of research. He must have spent a great number of hours and while he was working on that he was not working on anything else. He was not able to. Obviously the Attorney General, or somebody senior in his office, directed Pollock this way.

Hon. Mr. Wishart: If the hon. member for Downsview were to suggest that we do away with the division court, or we do away with the probation service, I would arm myself with a complete study to see what could be said for or against it, particularly against it, probably.

Mr. Singer: But the only one to suggest doing away with the jury system, petty jury system, was Mr. McRuer. That had not been in very great focus since the McRuer report came forward. The Attorney General continues to be the advocate of that theory. I

say if you are going to do it behind the scenes, be brave and come out and say so openly. You are certainly as entitled as anyone else is to have an opinion.

Hon. Mr. Wishart: It will never—

Mr. Singer: If that is your opinion, okay. Let us argue about it but let us hear what you really think about it.

Hon. Mr. Wishart: I will give you this assurance. It will never be done behind the scenes; it will always be done, if it is ever done, openly.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: I want to first ask, am I out of the picture on grand juries? Have you passed that vote?

Mr. Chairman: We came back for Mr. Singer.

Mr. Bullbrook: I do not want to abuse the due process of this committee. I was not here yesterday and if you passed it we will let it lie.

Mr. Chairman: No, we did not pass it. We allowed Mr. Singer to carry on today. Do you have some remarks?

Mr. Bullbrook: Just quickly, sir, in connection with it. I had the opportunity of briefly glancing at the Attorney General's remarks in connection with the grand jury. I am wondering if, although I do not think he did, he answered the question of the definition of the word, institution.

Hon. Mr. Wishart: Yes, I read it from the Act.

Mr. Bullbrook: You did. And does it define—

Hon. Mr. Wishart: Yes, it does.

Mr. Bullbrook: It does?

Hon. Mr. Wishart: No, it does not define it.

Mr. Bullbrook: Would you then advise the basis for your interpretation.

Hon. Mr. Wishart: I did cover this.

Mr. Bullbrook: You did cover that. All that. All right, well if it is covered then we will not discuss it further. I will read it in detail.

Hon. Mr. Wishart: Section 46 of the Act.

Mr. Bullbrook: I can expedite this. In other words, the remaining questions that we did not discuss during the course of our deliberations on crown attorneys, are now answered. Of the 10 questions, they are now answered in yesterday's *Hansard*; is that it?

For example, I asked the question: Would the Attorney General advise the legal foundation for his assertion that a grand jury sits a matter of two days to two weeks? Is the tenure of a grand jury not subject to the discretion of the presiding judge and therefore should a grand jury not sit extensively longer than two weeks if the judge wishes them so to do?

Hon. Mr. Wishart: Mr. Chairman, I have prepared answers to the hon. member's questions which he—

Mr. Bullbrook: That would be wonderful if I could have that.

Hon. Mr. Wishart: I will give them to him.

I think the first question was whether I had personal contact with—

Mr. Bullbrook: No, we went over that the other day.

Hon. Mr. Wishart: We went over that. Here are the answers to all the questions, which I have prepared and have had ready for some time.

Mr. Bullbrook: One final question on the question of grand juries, and I refer again to the report, Mr. Chairman, made by the recent grand jury of the county of York to Judge Martin on March 13, at which time they gave the report for 1970. They said, "We wish an audience with Mr. Wishart, the Attorney General, in order to determine the extent to which the grand juries' recommendations have been implemented."

They adjourned, sir, wishing to reconvene on or about October 15, 1970, for one day. I wanted to ask, on their behalf, I suppose, whether the Attorney General will consider granting them such an audience or whether he has had any form of communication from them or the presiding judge?

Hon. Mr. Wishart: I believe I replied, although I have not got the correspondence, indicating that I could not see them at that time, but if they were persistent in it I would see someone later on, but I do not recall any recent word.

Mr. Bullbrook: Recognizing that you cannot remember individual correspondence in the

monumental mound that you receive, as we see in the House, do I understand that probably there has been some liaison with you, and you were not able to see them then, but you would be happy to see them?

Hon. Mr. Wishart: I did have a discussion, I am quite sure, but this is some three months ago or more.

Mr. Bullbrook: With the grand jury?

Hon. Mr. Wishart: No, I think the foreman wrote or phoned, if I recall, and I believe that I said, "I cannot see you now." Then the question arose with Judge Martin whether he had the authority to keep them in existence, or whether he had to dispose of them under the Act. I do not know what has transpired there.

Mr. Bullbrook: You cannot advise whether he has disposed of—

Hon. Mr. Wishart: No, I do not know.

Mr. Bullbrook: Has he discharged—

Hon. Mr. Wishart: I do not know. Mr. Dick believes he may have discharged the jury.

Mr. Bullbrook: He may have discharged. To finalize my comments in connection with this lengthy section of our deliberations—and I am not going to take your time, Mr. Chairman, in going over these answers; I suppose we will have to do it some other time because it would not be fair—just having got the answers now and not being here yesterday—to anyone for me to read them now and then start a further discussion.

I want to say this, however, that I associate myself entirely with the short comments made by my colleague from Sudbury, Tuesday last prior to 6 o'clock, and in my opinion the grand jury has not outweighed its usefulness at all. As a matter of fact, and again not being unduly personal, one would have hoped that the Attorney General might have responded—

Hon. Mr. Wishart: I said the same thing.

Mr. Bullbrook: —in a more positive manner.

Now, to speak of petty juries. I want to ask you first, you say there is study at the present time on the validity of the continuation of the petty jury system; could you give us some statistical data that must be available to your department as to, for example, the plaintiff's use and defence use of the jury system?

Hon. Mr. Wishart: I think, Mr. Chairman, if the members of the committee want to pursue that matter, which is not a matter of policy; if they want a discussion in these estimates about the use of the jury in civil cases I have no objection at all—if this is what the committee wants to spend its time on.

I would think that such a matter may be proper for this committee to consider, but since it is not a matter of policy it seems to me that we could study it just as well, through using my example again, of whether we should retain or enlarge our probation service, or dispense with it. But what bearing it would have since it is not a matter of announced policy, I do not know.

However, you asked for statistics. I think we have considerable statistics from our study of the use of the work of the civil jury and I will ask Mr. —

Mr. Bullbrook: I do not want to burden the time of the committee too much, really.

Hon. Mr. Wishart: I will ask Mr. Dick to give them.

Mr. Bullbrook: I do not want to, I am sincere in that. We cannot expect to go into absolute detail, but when you speak about the establishment of policy it must follow, as the night the day, that the policy is established concurrent with statistical evaluations that your department has made on the validity of the continuation of the use of the system.

I would think that, for example, The Department of Justice would have a somewhat inherent repugnance in abolishing the system having regard to the fact that it does form a cornerstone of the democratic process—the involvement of people in the administration of justice that we talked about before—so that I would think that there would be an initial reticence on the part of the department to formulate a policy that would abolish that.

So that in speaking of policy, which I suppose is our function here, I wanted to talk about that because, if I might, I would like to read into the record, in full detail, the letter of Professor Linden to the *Toronto Daily Star* of Wednesday, May 20, 1970. The letter is headed "The Jury System must be presumed innocent until proved guilty." Let us record now, because it was brought to my attention, that he is on the executive of the Ontario Liberal Party, and it is not for that purpose that I write it in, but because he is a knowledgeable, legal scholar.

I do not think I will read it in, it takes too much time. He says the truth is that plaintiff lawyers want to keep the jury as much as defence lawyers. They ask for juries 47 per cent of the time while defence lawyers do so 53 per cent of the time. I am just wondering if those percentages as enunciated by the professor in his letter correspond with your evaluation.

Hon. Mr. Wishart: Mr. Chairman, may I say this. The hon. member has asked for statistics. We are quite willing to give them. Then he went back and said he wanted to read into the record this letter. I think perhaps he should read the whole letter in and make note of those figures—

Mr. Bullbrook: I said I wanted to read it in, right; and wanting to do something and doing it, of course, are two different things. I did not do it, although I wanted to, because I wanted to save the time, but let us read it in: It is from Professor Allen M. Linden, of Osgoode Hall, York University. It was published in the *Toronto Daily Star* of Wednesday, May 20, 1970:

Attorney General Arthur Wishart has indicated that he plans to abolish trial by jury in most civil cases in Ontario.

Now that first paragraph is worthy of comment from the Attorney General because as I understand it now you have not indicated that.

Hon. Mr. Wishart: I never said anything except what I said in the House, I believe in answer to an hon. member's question. That is the only statement I have ever made.

Mr. Bullbrook: So that we can say in fairness to the department and the minister that Professor Linden starts his letter with a wrong first paragraph? The government has never indicated—

Hon. Mr. Wishart: I think he is presuming a great deal.

Mr. Singer: Only from the words of the Attorney General in the paper of Marshall Pollock.

Hon. Mr. Wishart: No, he—

Mr. Bullbrook: Aside from that, presuming—of course the member for Downsview is quite right; that was not a research document at all, right? It was an apologia, that is exactly what it was. I call it that. Let us continue with the letter.

Hon. Mr. Wishart: Use what terms you like.

Mr. Bullbrook: To continue:

Apparently relying on a recommendation to this effect in the McRuer report on civil rights, the Attorney General seems ready to deny our people the right to have their civil disputes judged by their peers. Instead, he aims to place the administration and civil justice entirely in the hands of the legal elite of our society.

At a time when people are rebelling against rule by experts and clamouring for greater participation in the conduct of their affairs, this measure would curtail their involvement in courthouse government. At a time when greater flexibility and equity in the law are demanded by the blistering pace of change, the attorney General is encouraging the opposite. The abolition of the civil jury would destroy one of the main incentives to simplicity in law, which as it grows more complex, is becoming more divorced and alien to the people it is supposed to serve.

For centuries the jury has acted as ombudsman, protecting us against abuses of public and private powers. This instrument cannot be relinquished without clear proof of its irrelevance in our time. The case has not been put. None of the reasons advanced in favour of abolition stand up under close scrutiny.

In an otherwise well documented report, Justice McRuer—

I want to stop for a moment and record in *Hansard* that I disassociate myself from the remarks made by the member for Humber. I continue:

—used only one and a half pages to condemn the jury as a weapon used by the strong against the weak. He complained that claimants were opposed by experienced defence counsel who used the uncertainty of jury litigation to their advantage. This is not true. Plaintiff lawyers are usually as capable and as experienced as defence counsel, especially in the serious cases. In any event, how would a trial by judge alone help to offset this imbalance? If the disparity in legal talent is so important, does this not place the entire administration of justice—civil and criminal—in jeopardy?

If I might again add to my remarks—a telling comment really, and a comment we mentioned the other night. We can never over-

come the essential imbalance that exists sometimes in the adversary system. We cannot do anything about it, as long as people are people, and some more able than others. I continue to read:

The truth is that plaintiff's lawyers want to keep the jury as much as defence lawyers. They ask for juries 47 per cent of the time while defence lawyers do so 53 per cent of the time. Furthermore, the victims of auto accidents interviewed in Osgoode Hall's study stated they preferred jury trial over trial by judge by a margin of 3 to 2.

Now that study, if my recollection is correct, was under the aegis of Professor Linden.

Mr. Singer: And commissioned by the Minister of Transport.

Mr. Bullbrook: Continuing:

Uncertainty is not eliminated when the trial is conducted by a judge alone. Judges, like juries, are human with weaknesses and biases. Uncertainty is an element in all trials. If it were not, there would be no need to litigate. In many cases, rather than hindering the plaintiff, uncertainty may facilitate settlement. Less than 10 per cent of the auto cases that are begun ever reach a verdict.

The McRuer report offers only thin support for ending civil jury trials. It is but the opinion of one man who after years of working with juries, came to distrust them.

I am not sure, if I might interject, that that is an appropriate evaluation of the foundation for Mr. McRuer's eventual judgement, and report to the Minister of Justice.

Most lawyers have come to the opposite conclusion. A strong judge should feel some conflict between himself and the jury for juries are meant to be a check on judicial power. If juries always agreed with the judge, they would be unnecessary. Perhaps Justice McRuer suggested the abolition of the jury as an indirect way of assisting uncompensated traffic victims.

It is no secret that Justice McRuer believes that the present system of supplying financial help to crash victims should be replaced by a scheme like workmen's compensation. He may be right, but, if this is what he wants, he should have stated it openly rather than by concealing it in this way. Besides, since the McRuer report has been published, a non-fault system of automobile insurance has come into effect in Ontario which should go part of the

way toward ameliorating the plight of the auto accident victim.

Again, I speak for myself, we have gone even further now as a result of a pronouncement by the Minister of Financial and Commercial Affairs, I think—at least an inference that we are going to go further and dovetail, as the professor continues:

If this new coverage were made compulsory, as it is in British Columbia and Saskatchewan, it would do a better job of aiding those injured by automobiles.

One of the main reasons for advocating the abolition of jury trials is that time will be saved and therefore costs will be cut.

To be sure, a jury trial does take longer to try than trial by judge. At the least one must select a jury, the lawyers must address it and the judge has to charge it. Justice McRuer estimated the extra time spent at 50 per cent. A study done in Ontario suggested that the average time needed for a jury trial was two and a half days while the average trial by judge takes two days, a difference of 25 per cent.

We must not forget, however, that efficiency is not the only virtue of a system of justice. If time is necessary for a good hearing, it should be taken. Moreover, there are other ways of saving time. We might appoint an additional judge instead of abolishing the jury. If the 61 cases tried by jury in the Supreme Court of Ontario in 1961 had been tried by judge alone, the time saved would have been about 30 judge days. Another device would be to ask the court to remain open in the summer—

Mr. Singer: Hear, hear.

Mr. Bullbrook: To continue:

—not an unbearable hardship. Or, that the court sit longer hours each day.

I am going to interject personally again. There might be a liaison here, unbeknownst to me, between professor Linden and my colleague for Downsview, because he reiterates—and I say that facetiously for the record; they are great friends I am sure—but he reiterates there, of course, something that has been put forward by the member for Downsview for many years: a greater utilization of the actual facilities and talent that we have. Continuing my reading:

Before we abandon jury trials, we ought to explore the alternatives. But the heart of the matter is the quality of the jury trials compared to the judicial trials. If our juries do not give just and sound

verdicts, we should get rid of them. The evidence so far gathered is that the results of jury trials are not very different from judge trials and yet they are different enough to make them worthwhile.

Contrary to popular myth, juries do not always find for the plaintiff. The Chicago jury projects showed that in 80 per cent of the civil cases studied, the judge agreed with the jury's conclusion. In 10 per cent the judge would have decided for the defendant whereas the jury decided for the plaintiff. In the other 10 per cent it was the other way around. The Chicago research also demonstrated that most jurors enjoyed serving on a jury and would like to do it again. Surveys have shown that juries enjoy a wide measure of public support.

According to recent studies, collective decisions are probably sounder than individual decisions. Group recollection is as strong as its strongest link. Biases are less likely to influence the outcome of the trial when others, who are not so prejudiced, must be convinced. The jury can act as an ad hoc law reform agency. When a rule is harsh or outdated, the jury may find a rule to overcome it. A judge has less freedom to do this. And Legislatures are often too busy to keep all of the law contemporary.

The jury can be a spur to law reform and an instrument of justice even where the law is unjust. The jury provides an opportunity for public participation in serious human affairs. To entrust decision-making to a small group of randomly selected citizens is a noble and a gallant experiment. It symbolizes our faith in the decency and intelligence of our fellow men. In these times of stress, of alienation, of mistrust—

I want to interject. This is extremely important.

In these times of stress, of alienation, of mistrust, the jury is a reaffirmation of our fundamental belief in reason and democracy. Both those who serve on the jury and those judged by it, benefit. And the legal system wins new respect.

Rather than prematurely jettisoning the jury, the Attorney General should undertake an overhaul of the entire system of civil procedure that has been with us for decades. What we need is an independent study of the way our whole trial system is working, as suggested by the Ontario section of the Canadian Bar Association.

What kind of civil justice system do we want in the 1970s and 1980s? Can we use modern technology to provide a more expeditious, inexpensive and trustworthy method of dispute resolution? Can computers and television be exploited more widely? Can new methods of business administration be of assistance to the court? Can we reduce the needless paperwork, the excess verbiage, the useless motions, the many personal appearances and the need for personal service of documents? Can we better educate our judges and lawyers for litigation work? Are there any other methods that can be used to resolve disputes between citizens.

The Attorney General should immediately appoint a special task force to review all of our rules of civil procedure. This commission should consult with the public, efficiency experts, computer people, psychologists, as well as with judges and lawyers. Although such a group would, no doubt, suggest many changes, it is my guess that the civil jury would emerge from their scrutiny with renewed dignity and respect.

I appreciate, sir, that you have taken the time to listen to that being read into the record. I am glad now that the Attorney General invited me to do. In fairness, I suppose I should read a column that appeared in the editorial pages of *The Telegram* of Toronto—"Civil Juries Obsolete" which supports the position taken by the Attorney General. I am prepared to do so if he wishes. The column I would suggest meets head-on the arguments or discussions put forward by professor Linden and does not answer any of them.

Hon. Mr. Wishart: Mr. Chairman, if I might just say, there were several editorials pro and con.

Mr. Bullbrook: That is right.

Hon. Mr. Wishart: I know that one in the *Toronto Star* very strongly—I do not use the language of the hon. member supporting the position taken by the Attorney General because I have not taken a—

Mr. Bullbrook: I am sorry, you are right.

Hon. Mr. Wishart: But supporting the abolition of the jury—that was in the *Toronto Star*.

Mr. Bullbrook: I am sorry, that was the *Star*, I said *The Telegram*.

Hon. Mr. Wishart: I do not really care whether the hon. member reads it or not. I have seen several editorials.

Mr. Bullbrook: Okay, well you are knowledgeable in this respect, your knowledge about the Irish—

Hon. Mr. Wishart: The British system.

Mr. Bullbrook: —the Republic of Ireland, the committee on court practice and procedure; their analysis of the very same programme. So we will not go any further. Suffice it for me to say that most of the comments of Professor Linden exemplify and carry forward my thoughts in this connection. I would ask the Attorney General to give significant consideration to the abolition of civil juries and be prepared, if I might say, certainly to justify—at least from a practical point of view, as well as I imagine, the philosophical point of view—such an attitude.

Mr. Chairman: So much for grand juries and petty juries. I have instructions here from the Chairman. I believe we are to go on to bail and sentencing before we get on to the particular votes in 904. Is there anyone who wishes to speak on bail and sentencing? The member for Downsview:

Mr. Singer: Mr. Chairman, I have watched with interest the newspaper reports on the new amendments to the Criminal Code introduced by Mr. Justice Turner. I regret I have not been able to get a copy of the bill. I do not know if the Attorney General has one?

Mr. A. R. Dick (Deputy Minister of Justice and Attorney General): We have not either.

Mr. Singer: But, hopefully, one is on its way to me. Last night on the Channel 6 news there was a gentleman who spent the commentary portion talking about the bill. He suggested there were three new concepts in this new Act proposed by Mr. Turner. Quickly, only two of them occur to me. One was the summons procedure. The second was the necessity for the law enforcement authorities to prove the necessity of keeping a person in jail rather than the necessity for the accused to justify to someone—either a justice of the peace or a hired judicial official—his right to be released. There was a third concept that I have forgotten.

Maybe the Attorney General has more extensive information on this statute or perhaps would care to comment on the news reports because, in my mind, as I have read about

this statute, and without having the statute in front of me or having had a chance to examine it, it seems to be a very substantial step forward. I do not share, at all, the opinion expressed by the head of the Ontario Police Association, or is he only the head of the Metropolitan Toronto Police Association?

Hon. Mr. Wishart: No, he is head of both.

Mr. Singer: All right. I do not share Mr. Brown's opinions that these suggestions are laughable, ridiculous and should be quickly forgotten. I think it is a real step forward in the course of the administration of justice and I would hope that the Attorney General would express some comments just on the general principles in this statute.

Secondly I would like to know whether or not in his view—and it may be a little too early to have the view because that bill is going to sit in Ottawa over the summertime before they get into debate—it is going to be necessary to have companion Ontario legislation relating to provincial offences or relating to any other aspect of it.

Hon. Mr. Wishart: Mr. Chairman, we have not had an opportunity to see the bill either. I did not have a letter from the Minister of Justice indicating what he was about to do nor have we received a copy of the bill. We will be getting one or more. I think one comes to our library here, in due course. I do point out, of course, we have the responsibility for the administration of justice. We have to see that the courts are operated. We have to see that persons are brought before the courts and that the law is enforced. The procedures, of course, are of great concern to us.

I do not want to say, in any critical way, that perhaps we should have been consulted as Attorneys General of the provinces. But by the criminal law, the procedures relating thereto are within the jurisdiction of the federal government. The responsibility devolves upon the provincial law enforcement authorities, upon the Minister of Justice in each province to enforce the law.

I think Mr. Turner, in his remarks apparently in introducing the bill, as far as I could get from the paper, indicated that he would be discussing this further.

Mr. Singer: By July or August or something?

Hon. Mr. Wishart: July. I would certainly hope there would be the full opportunity be-

cause it is difficult to say now, not having seen the bill and only having read a newspaper report, what the consequences of any provision might be, how far-reaching they are, whether the procedures are an improvement entirely or whether there is some reason to be cautious or to modify them or perhaps to extend some of them. It would not be fair to the Minister of Justice in Ottawa to make critical comments having not seen the bill. I certainly would not want to do that.

From what I read, it seemed to me that there were substantial moves forward, I think, in the procedures which seemed very desirable. But again I must hedge that about by saying I want to read the section. I want to know how it is going to be operative. I want to know what the consequences are going to be. I want to know how much authority is given to a policeman. I want to know whether he has the right to exercise that authority and whether we have people who can do it and do it with justice and so on. These are the things that concern one who has the responsibility to administer that law in the jurisdiction of the province.

We have had some procedures with respect to our provincial statutes where there are quasi-criminal areas, The Highway Traffic Act and so on, where we have had some of the procedures very similar to those that Ottawa is apparently intending to adopt.

The procedures of bail is a matter which is determined by the Criminal Code. It is Ottawa's area, but as I say, the burden falls upon us and I hope we will have a full and frank discussion. I hope that if we find it necessary to make suggestions which we feel are desirable that there will be an opportunity to do that and that the Minister of Justice will consider our suggestions when he comes to taking that bill beyond first reading because we are deeply concerned and deeply involved.

Mr. Chairman: The member for Downsview and then the member for Sarnia.

Mr. Singer: Mr. Chairman, I only want to say this. I think the position the Attorney General has taken is not an unreasonable one. It would be unfair to expect him to comment definitively on a bill that he has not had a chance to examine in total.

By the same token, my comments perhaps are less extensive than they might be if I had a chance to go through the bill, but I only say this: The Attorney General has perhaps listened to the remarks I have made over the years on the evils that presently exist in our bail system—

Hon. Mr. Wishart: Some of those.

Mr. Singer: Some of them have been remedied to a very minor extent. I am not going to belabour the committee, Mr. Chairman, with the tale of the travelling justice of the peace who was always going the wrong way on 401 when you wanted to find one going the other way.

It may be very helpful that we have somebody who circulates the 240 square miles of Metro Toronto but I have great difficulty, late at night and on weekends, locating him. He has always just left somewhere, and just about to arrive somewhere else. It is not too pleasant to sit up three-quarters of the night trying to get the latest phone bulletin on where he may next arrive. It is not too pleasant or convenient.

There is an awful lot to be done, and I do feel very strongly and I am not again going to repeat the same arguments I have made that there are a lot of people who spend time in jail unnecessarily. Most people will turn up if they are released on their own recognizance or given some sort of an appearance notice. I think that is the way they phrase it in that statute.

Coincidental with this reform will, of course, have to come an extensive programme of police education. I think that is all to the good. Under the police section of these estimates you have heard me in past years say that we should continue to upgrade the level of our police training and to upgrade their educational qualifications and that goes hand in hand with paying policemen decent salaries. But I think we are beginning to embark on a new era and I give Mr. Turner full marks for having the courage to bring forward important law reforms such as this one.

I do not think the Attorney General would really expect to be consulted about a bill that the federal cabinet has ready to go, before that bill is introduced, any more than the fellows up in Ottawa would really expect to see your bills before they are introduced. I would think that fact that the bill has now been introduced means it is available for discussion. There is a meeting scheduled in July.

It is not going to be proceeded with in the House of Commons until some time in the fall. This is going to present ample opportunity for a full discussion and I would look forward, with great interest, to hear what the Attorney General has to say because as I said under the jury section and I have said under many sections of these estimates and I have said to the Attorney General in the House,

"I think you have got to provide more leadership."

I would like to see, after you have had a reasonable time to look at this bill, some sort of statement that either in your opinion it is a good bill, for these reasons, or a bad bill, for other reasons, and go through it section by section. It is undoubtedly not all bad or all good. I would think, as I have read about it, the principles are good, and there may be some defects in it. But I think we have the right to expect from the chief law officer in the province of Ontario definitive statements on these matters as they arrive.

That is why I was belabouring him in connection with the juries. I think you have abdicated, to a substantial extent, your responsibility when you will not tell us what your opinion is on civil juries. You say it is a matter yet to be decided and have nothing to say. I just think that is wrong. I do not think you are carrying out the responsibilities of your office properly.

On this one, we have got something a little more concrete, maybe. But it is the same sort of idea. We will have the bill. The Attorney General will look at it, his advisers will look at it. He is going up to Ottawa in July, and I think we are entitled to hear just as soon as the necessary studies have been done what the Attorney General of Ontario thinks about this bill.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: Thank you, Mr. Chairman. I will not take too long. I want to say that notwithstanding the emphasis now from the federal government, which no doubt has the responsibility in connection with bail, I want to record again my displeasure again to The Department of Justice and its minister in connection with recognizing the proper distinctions between criminal offences in themselves. There has been a certain recognition in connection with quasi-criminal offences, but the whole purpose of bail—and let us put it as succinctly as this and have a retort from the Attorney General if he disagrees—is to assure the return of the accused person for his trial. This is the personal recognizance in bail. Nothing else.

Hon. Mr. Wishart: Oh, yes. One other thing.

Mr. Bullbrook: Right. What is it?

Hon. Mr. Wishart: One other thing. Not only the return, but certainly another element—

Mr. Bullbrook: To protect the public, I am sorry.

Hon. Mr. Wishart: It does not arise in every case. The person would not be let out if he is likely to commit the offence again.

Mr. Bullbrook: Right. I am sorry. Those are the criteria. The fact of the matter is this, I think in my limited experience the courts have really become contemporary. I think perhaps The Department of Justice has assisted in this. They are starting to recognize that, notwithstanding the present bail law, that they were much too rigid in their approach in the past. I do not know whether your education of the police has really done the same job. I do not think it has. I do not think the police seem to recognize, what I like to call, criminal offences and social criminal offences. I use the example of drunk driving, which to me is the prime example. A person who has been involved in drunk driving is not to be treated, in my respectful opinion, the same as a person who has robbed a bank, and the police have got to recognize this in their attitude toward arrest. They have an obligation in their attitudes toward arrest.

I want to read a letter I have received, Mr. Chairman. It is too long and I am not going to disclose, of course, who it is from.

On February 19, after being in a collision at Christine and Maxwell Street, after the officer checked licences, and so on, and had been advised by the party involved in the accident that I was drinking, I was told that I would have to go to the police station. I was taken to a room and given the breathalyser test and waited 15 minutes, during which time I was given tests for impaired. These seemed to go very well. After the 15-minute interval I was given another breath test, and I asked the officer how it was, and he said, "Quite high." From there, we went upstairs, and I wanted to phone my wife. The officer in charge said, "You are allowed one three-minute phone call." This I used phoning my wife, to bring bail money to the police station.

I just want to suggest this to those who are responsible for the administration of the police, Mr. Chairman. Perhaps I am ignorant, but I know of no law that restricts a person to one three-minute phone call. They used to in 1930 grade B movies. They used to do that. But is there a law that restricts a person to a one three-minute phone calls?

That is a misinterpretation by a police officer.

Hon. Mr. Wishart: There is no law.

Mr. Bullbrook: There is no law? Right. There should not be, in my respectful opinion—

Hon. Mr. Wishart: On the other hand—

Mr. Bullbrook: —the establishment of any policy restricting phone calls. There should be a reasonable equation between the police officer and the accused person. It should not be, "You have one call to make, pal, and you can make your decision now to whom you are going to phone."

I think a police officer should say, "You want to phone your wife? Right. You want to phone your lawyer? Perhaps your wife cannot get a lawyer? You want to phone your padre perhaps? Or maybe you would like your mother to come down?"

It can become unreasonable, Mr. Chairman, if you follow me. So we support the attitude of the police officer when it becomes unreasonable.

Let us get it so that this is shown to be, I hope, a two-way street. There are many people arrested in the condition that this man was arrested in, who maltreat the police to such an extent that they should be thrown in the cooler forthwith. The point I am trying to convey here is that obviously here is a certain kind of police officer. I do not say he exemplifies all police throughout the province of Ontario.

They are as we are, unfortunately. Being a member, we get calls at 3 o'clock in the morning. What you want to say to the caller is, "Surely you could have phoned me at 2 o'clock this afternoon." But we get this, and we do not say that. We listen to the people, and the police have to do the very same thing, in my opinion. Under our present system, notwithstanding the changes to be made in the federal law, there are still certain discretions that are left with the police—discretions that have to be exercised reasonably.

So I want to say this to you, I think what has to be done by the people in authority, Mr. Chairman, is that they have to convey to the police the fact that, if at all possible, they must ameliorate the circumstances of the individual accused, especially in those social criminal situations. I do not worry too much about the chap who has been found with the sawed-off shotgun outside the Royal Bank with the cash box in his hand.

Okay. He certainly is the direct author of that misfortune. I suppose the drunken driver is, but I see a rational difference.

I want to continue with the letter.

I asked the officer how it was, and he said, "Quite high." From there we went upstairs and I wanted to phone my wife. The officer in charge said, "You are allowed one three-minute phone call." This I used phoning my wife to bring bail money to the police station. They then said, "Time's up, let's go." I was stripped of my watch, ring, belt, and put in a cell. I would say at 1:15 a.m. I was there until 9:00 a.m. and at 6 o'clock two slices of dry toast were shoved through the bars. That was the first check all night by a patrol to see if I was still alive. During this time, the two chaps I was with came with the bail and my wife. She was told she may as well go home until 10—court time. She could not even come to the cell.

I have not sent that to the police commission. I will; and I will send a copy to our chief of police, who is a man I admire. And I want to record again that I admire the police, generally, having been associated with them, acting on behalf of police associations in our area. I admire them greatly, but what we have to do is we have got to convey to the police the fact that they are public servants.

Notwithstanding the change in bail, there are discretionary things there, Mr. Chairman. There is discretionary treatment that the police officer can give to the accused. There is also the aspect in evaluation by the police officer of the circumstances at the time.

We get back to the discussion we have had, and we will shortcut by saying this. Surely to goodness, if a man has been a resident of a community for 10 years, has been working on the line, for example, at Polymer Corporation—and I do not refer to this man, I do not know where he works—he has four children at home, and he finds himself in the unfortunate circumstances that he is really hooked for drunk driving. He is not going to go to Mexico over that situation. He is going to have many months of terrible self-insight as to what he has done to himself, there is no doubt about that, but he is not going to be taking off.

And the police have got to do this. We have got to convey to the police, under the new system, that they have got to make a value judgement there—an appropriate value judgement—because this comment that I am going to make does not apply generally. But

the unfortunate circumstance is—and I think we are going to get into this on another vote—unfortunately some police officers cannot accept authority. They cannot. They cannot handle it. They are just not able to handle the authority.

I think that we on this committee are going to find this as we discuss matters further, unfortunately. They are really not able, Mr. Attorney General, to handle properly the authority that the public gives them.

Those are my comments in connection with the matter of bail. We would have gone, of course, into greater detail had not the federal Minister of Justice announced that there are going to be changes.

There is a section now applicable, I believe—maybe the Attorney General could help me—there is presently a section applicable that gives certain—

Hon. Mr. Wishart: 438, subsection 2.

Mr. Bullbrook: Right. The Attorney General may want to comment on that section.

Hon. Mr. Wishart: There is that—

Mr. Bullbrook: Before you start, may I suggest this to you. At the police college might I suggest that, if there is not already, that we get someone there who will give a series of maybe three lectures to them on the public service aspect of their job. I imagine this is done now. It becomes an individual thing, I suppose. For example, some of us as members of the Legislature cannot handle the authority properly, so it becomes an individual thing.

But if there is not now, I think it would be a good thing to add this to their police training. The fact is that so many of them do it so brilliantly and well. They bite their tongues when they are subject to abuse. I have seen some of them being subjected to abuse and they handle themselves extremely well.

Then you get the other end of the pole. Some of these fellows will take advantage of such people as that man there. But, if that police officer, for example, thinks that there is some law that you can only make one phone call—I hope I am never in those circumstances you know, but boy! they would never want to tell me I can only make one phone call. Never, never. I will make as many phone calls as I want to. I really will. They are reasonable phone calls in the circumstances.

I just invite your consideration: What if there is a police officer telling a prisoner he can only make one phone call and the chap really needs medical assistance which is not apparent, or something of that nature?

Hon. Mr. Wishart: I would not want to use the hon. member as an example, but I can think of circumstances where if I were in the hands of the police my judgement of how many phone calls I might want to make might be very impaired. I would not then blame the police for keeping me to three phone calls at the most. Perhaps I might want to make 20.

Mr. Bullbrook: I think I said that before.

Hon. Mr. Wishart: I think you have. Generally I associate myself pretty thoroughly with the remarks the hon. member for Sarnia has made. I think we have gone a long way toward encouraging bail procedures that are based upon the consideration as to whether the person arrested will return and also that if he is released that he will not be out breaking the law again in a similar offence in the interim.

We are increasing our training along this line. Generally we are directing the education of police officers through the police college and through other means on the way the matter should be handled.

I think from justices of the peace and so on, all that attitude has been put forward. I think it is quite apparent there has been a great change in the attitude toward the use of bail—when it should be granted and when it should be refused.

It was only last year that Parliament saw fit to insert in the Criminal Code in section 438, the section which gives the peace officer the discretion to release, unconditionally, a person who has been brought to him or that he has arrested. If he feels he can compel his appearance by—

Mr. Bullbrook: Has there been any direction, Mr. Attorney General through you, Mr. Chairman, to the departmental chiefs saying—

Hon. Mr. Wishart: Use this?

Mr. Bullbrook: Use this, if at all possible.

Hon. Mr. Wishart: I think I will ask Mr. Dick to answer what we have done.

Mr. Dick: I was going to mention specifically the area of the greatest concern which is, of course, in Metropolitan Toronto where

the great volume was. This is where many of the other forces derived their experience and new processes and techniques. Early this year, when this section came into effect in the code, the minister and myself met with the metropolitan board of commissioners about several matters, including this.

It was discussed thoroughly and they have instituted it. I am not sure if the hon. member noticed in the paper last night that Chief Adamson in Toronto was indicating that since this section came into effect—I am speaking from memory now—that of roughly 2,000 cases, 600 were released under this particular provision and there were I think only 26 defaults.

Hon. Mr. Wishart: It might have been 20 defaults.

Mr. Dick: Just 20 defaults.

Mr. Bullbrook: I know this through my own knowledge. I had one the other night. What about the “hinterlands” as I call them?

Mr. Dick: It is being used.

Mr. Bullbrook: Do we have any positive direction Mr. Deputy, through you, Mr. Chairman. I am just wondering whether this might be a good idea on matters of this nature. I think that we should direct to the police chief or to the commission itself that we would appreciate, if at all possible, that it might be brought to the officers' attention that they could implement section 432 on circumstances that—

Hon. Mr. Wishart: That is known pretty well through the police chiefs' associations. I am making a note of that. I think what happens in one force is quickly known and our attitude becomes quickly known through the police chiefs' association and through the police association. What happens in Metro for instance, is known the next day and practised generally elsewhere. But we have not sent out a direction as such. I have noted that perhaps that might be something to do. On one other point that the hon. member touched on that—

Mr. Bullbrook: Yes?

Hon. Mr. Wishart: —there are some policemen, he said, who cannot assert authority properly or accept authority. I think that is one reason why in our law there should be some judicial person pass upon the question of custody or bail and other matters where judicial judgement is required. We are

extending this more to the policemen in such things as this new subsection. I think in the bill which the hon. member suggested Ottawa has produced, according to the newspapers, there is much of this. I think this will call for, and imply, that the policemen will be trained and educated to exercise a judgement which, I think, in the past, it is fair to say, many of our older forces were not trained to do.

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, in this area over many years there have been great abuses and stupidities. Errant and down-right stupidities in the bailiff system have gone on, almost indefinitely. Over the past decade there has been a convergence of the best of judicial and jurisprudential wisdom directed on to this subject from many points of view.

Mr. Turner's—the Minister of Justice's—position, I would take it, would be largely derived from the basis of the Ouimet Report on Canadian Corrections, in which they go into the subject very thoroughly. This has been backed up on almost all counts. I think you will agree with what Mr. Justice McRuer has said in chapter 48, a very well presented and a very well reasoned chapter. It is better than some of the others I mentioned yesterday with respect to bail procedures and the way with which they are handled. Backing that up again, of course, are the writings of Professor Friedland who, back as far as 1966, had this to say:

Let us assume the accused has been arrested, what happens then? Of those arrested by the police, over 90 per cent of those are charged, approximately 85 per cent are kept in police custody until their first court appearance, many for a substantial period of time. Those persons arrested during the day are not brought up into court that day, even though the court is sitting. Bail before the first court appearance, occurs in only a small percentage of the cases.

The study reveals, for example, that in one division station over 80 per cent of those booked between 7 a.m. and midnight were kept in police custody for over 10 hours before their first court appearance. He recommends quite a number of things that would effectively alleviate this ongoing condition.

Of course, the recommendations made by Mr. Turner undercut this. There would not be the necessity for a remand court and remand courts sitting, not only during the day

but at night too, or the constant hectoring we do about the difficulty of locating JPs when they are most needed, sitting around a police station sometimes for two or three hours until one shows up. All this would be obviated, to a substantial extent by the adoption of a summons procedure issued by the officer on the spot in the overwhelming majority of cases.

Just let me say under this head that McRuer is curiously either reticent, or neglectful of that second reason why bail ought not to be given. At 744 he quotes from Kenney, the great writer on criminal law, in which five reasons are given, none of which have to do with the commission of crimes—the likelihood of the commission of a crime while an individual is in jail—and Mr. McRuer says the predominant consideration should be the order necessary to give reasonable assurance that the accused will appear for trial when called upon.

Reading again those numerous reports from grand juries, time after time they make advertisement to the business of people committing offences of the same or a similar nature to that for which they are already out on bail. This is a thing that I would think would be a predominating reason as to why bail ought not to be given.

The Ouimet report also recommends some kind of central registry so that an immediate, or fairly immediate, phone call could be made to determine whether or not somebody on bail, appearing a second time on a similar offence, does not get bail on the second occasion through simple ignorance of the fact that he is already out on the first occasion. This sort of thing is possible and should be circumvented by our laws.

The case of throwing people in jail for drunkenness, of course, is another subject, which we have discussed with the Attorney General year after year. A more humane and more sensible utilization of, not necessarily bail, but of some clemency of getting the police out of this particular area, or if they remain in it, in the sense of having a way of taking these people, not to the local lockup, but to a residence or place where they may be given proper attention, seems to be in order, but I will not press that.

As far as bail is concerned, a second iniquity connected with it down through the years has to do with the cash bail concept; the necessity to post cash bail. When they set that bail presently, people do not walk around with large sums of cash in their pocket. Usually the banks are closed, or very often

they are closed at the very time the offence has occurred and the incarceration takes place. Getting away from that would be a major step.

As you know, McRuer recommends, not so much a summons, which I think the justice Minister is speaking about, but it perhaps comes to the same thing. He says a police officer should issue a notice to appear for trial. This particularly in the case of the provincial offences and if that principle, in effect, is adopted in the federal system, surely none of us can take any umbrage with it at all.

The second element which I understand is being fluffed over is the reversal of the onus. Instead of the accused having to make protestations and convince a presiding judge that he ought to be allowed bail—and the weight would be against giving it—the other way round would be his recommendation. He would incorporate it into the law that he gets bail, unless there are overwhelming reasons contrary to it and why they ought not to give it to him.

It is a considerable, enormous, and a commendable step forward in the whole procedures of our theory of justice. I would like to actually peruse the document before making final judgement, but on the basis of the reports of the thing in the press, one cannot help but take off one's hat and salute the Minister of Justice of the federal government for being so enlightened in this particular regard.

I understand the police position on it. First of all, it is terribly ingrained and formalistic when our own complaints are on a platter. When we are representing their cause in the Legislature and elsewhere, they have all the liberality and play and flexibility in the world; they want authority to bend. But when the cap is on the other head then there seems to be some kind of ingrained refusal to admit to the benefits conferred on the general public in an area of this kind.

Admittedly, the police are going to have to achieve a far higher level of training, and I have been saying so for some time now, through the community colleges. In this and in many other areas which we will come to under the police vote, the present quality of education, the present rapport with the public, the present terms of public relations are not good.

I particularly am going to be speaking about what seems to be an ingrained syndrome in the case of all levels of the police that has to do with their conspiracy theory of history. Whenever a group of citizens get

together they always seem to believe that there is some kind of conspiracy of a criminal nature afoot, that the meeting itself is rigged by a very small handful of dissident element of a blue-eyed revolutionary nature.

I have walked in these processions time after time. The members of the New Democratic Party spend half their time out on confrontations of one kind or another. Our weekends are completely taken up. I consider the people that I consort with on those occasions—

Interjection by an hon. member.

Mr. Lawlor: Not in the least. They are most law abiding, we enjoy the time of day together, but to engender a hostility toward these people who, by and large, have very profound convictions about the social order, who feel that in order to have their voices heard in this society they simply have to get out and make a public demonstration. I thought that would be the very epitome of democracy and everybody would clap. But, on the contrary, there is a tendency to repressive measures, there is an hostility, there is a fear, that these groups are subversive by specific intent, and the only reason they exist is to upset the nice balances of society.

Arrant nonsense, and the police should be told so. They should have training in this particular regard, but as I say we will get into that a little deeper a little later.

Another thing that this will do, Mr. Chairman very beneficially, will be to eliminate the professional bondsman. His day will be, by and large, over and I hope they would move further in the Criminal Code and make it an offence for such people to seriously suck the blood out of people who are in difficulties on advancing money to get them out of jail.

With this particular system, the people will not be locked up any more. The overwhelming preponderance of people I would say—on the basis of what Friedland says, up to 85 per cent—will be permitted to go home, and there will be no reason in the world why they should spend the night in those cells.

I got a report yesterday from somebody, and this is another area in which the police could pull up their socks. A client is incarcerated in jail, with no previous offences as far as he disclosed to me, and you know he could not get a drink of water. They just would not serve him a drink of water. He was there for many, many hours.

About the business of telephone calls, it is an absurdity. You should send directives to

the police forces of this province. This one telephone call business, this arrogance, these self-imposed rules.

Sure they want to get on with their investigation, so much so that they do not want counsel present to advise them, not even duty counsel at the police stations to advise people who are being brought in. They want a free hand to make their own investigation.

Maybe they should have a bill of rights entrenched in the constitution. You know the whole history of this before the Supreme Court in the United States where in case after case people are not permitted to consult counsel.

If they feel that is obstructive of justice, then we must balance out in any society the capturing and the prosecution of the criminal element in that society over against the fundamental civil rights enjoyed by individuals. And if there is any balancing to do I shall come down every time on the side of civil rights. One cannot help it.

There are too many other uniform and mechanistic impositions so that society is becoming extremely rigid because it is collective, in its nature. Populations grow—

Hon. Mr. Wishart: Just a word of caution there. I agree with you that you should come down on the side of the individual and his rights, but if you go as far as to make it too easy for the criminal to be at large, or to escape justice, then you might destroy the individual's rights.

Mr. Bullbrook: The right to counsel would never make it too easy for criminals. Not the right to counsel. It has nothing to do with—

Hon. Mr. Wishart: That alone might not, no. But I think some of the citizens of the country to the south of us, have some fear that perhaps individual rights are being eroded and may be destroyed because it has been made too easy for the criminal to avoid—

Mr. Lawlor: Let us debate that on another occasion.

Mr. Bullbrook: I think we will, on another occasion.

Hon. Mr. Wishart: I just suggest that that is a possibility.

Mr. Lawlor: Again, it just occurred to me while the hon. minister was speaking of a phone call I got about two weeks ago. And the accused spoke to me after that. He said

he tried to make the single telephone call from the police station to his wife, but that the constable in charge would not permit him to do so. That he, the police constable, would make that call. He told me the call was never made, and the constable came back to the cell and said "That is your only call. I have made it, I cannot get hold of your wife, the line is busy or something, and that is the end of the matter."

The wife was at home all evening and available, but she never got a call. I do not want to push these things too hard.

Maybe the fellow was lying—you know what the problem of counsel is in these things. People do engender alibis and have reasons for setting up these hostilities. Nevertheless they cannot be discounted either.

And why ought not a man be able to make a call to his lawyer, to his wife—possibly two or three calls—and have freedom to speak, and not be told that he only has a few minutes in which to do this? A little humanity please. This helps to make the confirmed criminal, and it helps to get the back up of the local population with respect to the operations of justice. This is part of the reason why co-operation is not forthcoming from the general public, as it ought to be, in aid of, and in sympathy for the very onerous job a policeman has to perform. So in the particular area of bail, as far as we can see on the surface, as it has now been proposed by Mr. Turner, it cannot help but be a great alleviation to the whole citizenry. And it is a long overdue step in this particular area of administration.

Mr. Bullbrook: Mr. Chairman, might I add one comment? Or is the attorney general—

Hon. Mr. Wishart: The deputy minister and I were discussing here that it is rather curious that we have not had, I think, in this country that marked refusal or reluctance of our public to assist police. I think we have had a pretty good situation in that respect.

It is curious that where that has been so prominent is in some of the states of the United States, where they have gone along the lines mentioned here, of giving great freedom to the arrested person, the criminal, or the person charged with the crime. It is there that the police seem to be in difficulty with the public.

Mr. Lawlor: I would watch my casual relations if I were you.

Hon. Mr. Wishart: I wonder—

Mr. Bullbrook: Are we going to get into this? I have notes that I want to—

Hon. Mr. Wishart: It just occurs to me there is one thing in connection with bail, and I agree largely with the hon. member for Sarnia, and I think with the hon. member for Lakeshore, to a large extent. There is one thing to be remembered when the police arrest a person, for certain types of crimes—particularly breaking and entering, or other types of things where crime is either suspected, or the police must do a certain amount of investigation if they are to protect the public—that person, before he is released, should perhaps be fingerprinted.

There must be an inquiry as to whether he has a record. He may be unknown, he may be a stranger, or he may have committed the offence, and he may certainly want to know, and should be entitled to make some investigation as to whether bail might be granted. I think some time has to be afforded, at least, to do certain investigations otherwise I think you defeat a part of the law.

Mr. Bullbrook: One would have to agree with that as it relates to true criminal activity. Again I do not know whether we should establish a social criminal type of activity on drunk driving, impaired, and things of that nature. I want to put to you briefly, what I essentially would like to see and that is the application of 432, and I direct this really to the deputy attorney general, if I might presume so to do through the Chairman, not for a response, but as an example of my entire thoughts.

I would have hoped that the chief of police, or somebody designated by him, on the introduction of 432 would have felt that it was incumbent upon him from that day forward to seek justification as to why people remained in his jail overnight. In other words, that in the police themselves they have such a social awareness that they are imbued with the thought that we do not keep people in jail if there is any possibility of doing otherwise.

In other words, there would be a docket of those people who were kept in jail, and the chief of police would say, "Why did you not let Mr. Smith out? You know he is a businessman and he lives down the street." He has every right to do that. That is what I am trying to convey. That, as they do have this concurrent responsibility to keep people in jail for the protection of the public, that they would of their very nature see the other side of the coin, and the other side of

their responsibilities. That is really what I am trying to convey: that we get into the forces themselves this attitude, an attitude whereby a chief will say, he should not have been kept in jail all night; goodness gracious, he should be at home with his family.

Mr. Chairman: Are we through then with bail, gentlemen, and ready to vote 904 proper?

Mr. R. Gisborn (Hamilton East): Mr. Chairman, I would like your guidance. I want to raise two questions and I would like you to tell me when it would be most appropriate. I want to raise a question about juvenile detention and observation centres. Would that be under 905—social investigations and probation services—or under this one?

Hon. Mr. Wishart: Probation services is a separate rule, Mr. Chairman. Probation is 905, that is a vote by itself. The detention home would be this vote, but the probation services is 905.

Mr. Gisborn: Detention centres would be under 904? Well, Mr. Chairman, the minister—

Mr. Lawlor: On a point of order, I did mention yesterday that I want to speak on sentencing.

Mr. Chairman: Right. I am sorry. There is bail and sentencing.

Mr. Lawlor: I just want to show how open-handed and gratuitous I am these days. These estimates are going on, and I can see we are going to be here for some time, and in the way of just being kind, I am not going to talk about sentencing today. Maybe tomorrow.

Hon. Mr. Wishart: You mean you are going to delay the punishment?

Interjections by hon. members.

Mr. J. E. Stokes (Thunder Bay): I would like some guidance from the chairman, as to where I might raise the issue of law courts and the way they are handled.

Mr. Chairman: Which specific court—county court, provincial court?

Mr. Stokes: District courts.

Mr. Chairman: It would be under 904, under this vote.

Hon. Mr. Wishart: I think you mean the provincial courts, perhaps, or the magistrates' courts.

Mr. Chairman: Which is also 904.

Mr. Stokes: Yes, the ones that are held in places like Beardsmore and Geraldton.

Hon. Mr. Wishart: Criminal cases. It would be the provincial court—what was formerly the magistrates'. That is 904.

Mr. Stokes: Under this vote. Could I speak to that now? Or is the member for Hamilton going to speak?

Mr. Gisborn: Yes, I think mine will be brief. As the minister knows, I raised the question in the House on his actions regarding the report from the social planning research council, with regard to the facilities at the Leaside Juvenile Detention and Observation House, and the minister answered me in the affirmative, that he was taking some action, they were going to make elaborate or efficient renovations. I think that was the gist of his answer.

But I am concerned now after reading the full report that this is not going to be enough to rectify the situation that prevails.

I am not going to quote from the report, I am sure the minister's department has gone through it pretty thoroughly, but in his answer that they would make renovations to the particular house they are using now, I referred to the questions I asked of the city council in regard to their position, and I found that on the original offer of the department—the minister's department—to make repairs, that they had a problem of whether or not they could get a long-term lease on the property.

The city council turned it down because they felt that because the site was in an industrial area they did not want to tie it up for that reason.

That is one reason why I think the minister should take a new look at the situation. I think the report spells out very clearly that the place is not adequate. The main bone of contention would be the lack of recreational area and the lack of space to segregate the teenagers from those in the nine- and 10-year-old bracket.

Certainly it is not conducive when you have some who are in there charged and waiting for a court appearance, and others who are just in there as emotionally disturbed and runaways. There is quite a difference in the problem. To be integrated

the way they are in that particular home is not conducive to the purpose of the facilities.

The report also points out that there is no aspect at all to the intent of the facility to be one of observation, clinical and diagnostic, as to the condition of the children.

I think the plea we have to make is that the department look for another site, one that is conducive to outdoor recreation. It is quite disturbing when we find that teenagers, children of that age, may be confined indoors in all weather for not just periods of a few days, but perhaps a period of weeks, without the recreational provisions that are needed.

Could the minister enlighten me as to their long-term plans for the facilities in this regard in Hamilton?

Hon. Mr. Wishart: Mr. Chairman, the hon. member did ask a question on May 26 or 27 in the House.

Mr. Gisborn: Two. That was the first one and then I got the affirmative answer last Monday.

Hon. Mr. Wishart: Yes, I did immediately check into the matter. There was, in addition to the question, a telegram from—this is Hamilton and district—this was to myself

THE SOCIAL PLANNING AND RESEARCH COUNCIL OF HAMILTON DISTRICT, BOARD OF DIRECTORS, URGES AN IMMEDIATE IMPROVEMENT OF ARRANGEMENTS FOR ESCAPE IN CASE OF FIRE AT THE JUVENILE DETENTION HOME ON LEASIDE AVENUE AND AUTHORIZE RELEASE OF THIS TELEGRAM THROUGH THE NEWS MEDIA.

On the morning of May 27, the fire marshal had telephoned and then written to the department of public works. He wrote to Mr. Jamieson:

This will confirm our telephone conversation this morning in connection with the enclosed telegram received by the Minister of Justice and Attorney General, and the news releases produced by the social planning and research council of Hamilton district, concerning improved arrangements for escape in the case of fire, identification of fire exits at the juvenile detention home on Leaside Avenue in Hamilton.

He closed that letter by saying:

I would appreciate it if you would have one of your officers—

That is Public Works:

look into this matter, to determine what action, if any, is necessary. I understand from our conversation you will be getting

in touch with Mr. Russell, subsequent to your investigation.

That is, Mr. Russell here of our department.

The situation is being pursued and I think Public Works is aware of the urgency of it. We have discussed it with them.

The situation there is that the juvenile detention home is owned by the city of Hamilton. It is one of the things which, in a sense, we took over in the administration of justice, but we do not own it. We have not acquired it; it was subject to arrangements being made that we would eventually have it as our building and be able to take our own action with respect to it, or establish somewhere else, perhaps, a district detention centre for the area.

These are things I will have to pursue with The Department of Public Works. There are certain things we would like to achieve by way of agreement with the city of Hamilton, which we have not so far been able to accomplish.

Mr. Gisborn: Has the minister's department pursued the full report?

Hon. Mr. Wishart: I understand that there was a meeting with the Hamilton people yesterday.

Mr. Gisborn: You see, in the report on the fire hazards, that was a must; that was something they said had to be looked into immediately with that present building, until we decided on the long-term programme. Certainly the report points out—and I think hits the nail on the head—what is needed is a new district detention and observation centre.

Hon. Mr. Wishart: A regional centre.

Mr. Gisborn: Yes. Because this one in its entirety is just inadequate to be conducive to achieving the intent of both the legislation and the social aspect.

Hon. Mr. Wishart: This is being pursued.

Mr. Gisborn: You are pursuing it in the light of the regional or district—

Hon. Mr. Wishart: This has been discussed heretofore and is being followed now.

Mr. Gisborn: Fine. My only other question is to the Chairman. I wanted to raise—and this is just to enlighten me as to where I should raise it—the concern of many Hamiltonians and the press on the procedures carried out in the McMurrich slaying, the shoot-

ing of a policeman in December, 1969. What vote would that properly be raised under.

Mr. Chairman: It would come here properly, Mr. Gisborn. Under 904.

I know that the member for Scarborough Centre—is she listening?—has some contribution to this particular vote 904, and once it is passed we will not be reopening it. I know also that you did not contemplate being here this evening. Did you want to speak to your topic now?

Mrs. M. Renwick (Scarborough Centre): Yes, surely. I was not aware, Mr. Chairman, if you were going to deal with the business in the order that it is listed, the supreme court and so on, or whether you are just taking it as it comes.

Mr. Chairman: We are going to let the member for Thunder Bay speak on provincial courts. You wanted to speak on provincial courts, so I think perhaps as long as they agree, it is immaterial to me. But once these votes are passed, we will not be going back to them.

Mrs. M. Renwick: I would like to speak, then.

Mr. Chairman: We will be meeting this evening and I happen to know that the member for Scarborough Centre will not be here. Is that right?

Mrs. M. Renwick: Thanks, Mr. Chairman.

Mr. Attorney General, we are going to talk about the problems of the people who are working so hard in the courts that deal with the juvenile cases, and the lack of facilities for the children who come into their area of operation. And the minister's own view of those courts, the views of Inspector Fern Alexander as they were expressed to me at an interview last week, and several recommendations that have been made in various operations such as the now almost antiquated committee-on-youth report. I would like to ask, if I might, Mr. Chairman, if the Attorney General would like to see some other system of dealing with juveniles, other than getting them into a court setting which the minister, if I can refresh his memory, said in October, 1969, in *Hansard* on page 7513:

The black mark which downgrades their chances of a successful future and takes away their self-respect to some extent; gives them that stigma, that mark on the forehead, or in the mind is really where it gets them, and they have been marked. I do not like to see that. I wish they did not come to my court.

I do not expect the minister has changed his view, but I would like to suggest to the minister that he could go down in history, Mr. Chairman, as being the man who took children in the province of Ontario, out of the courts.

I notice that in the cases that were recorded in the annual report of the commissioner of the Ontario Provincial Police in 1969; the cases that were reported for children under 13 number 566, with 32 eight-year-olds, 62 nine-year-olds, 83 10-year-olds, 137 11-year-olds and 252 12-year-olds. I just cannot see, Mr. Chairman; everywhere I look in this area of operation I read The Juvenile Delinquents Act is not an Act really of policing. It is an Act of treating children not as criminals but as misdirected and misguided children, needing aid, encouragement, help and assistance.

Now, I just do not think we can do that. If we are taking children that young into a court setting, I grant you that the care they could get, if the facilities were great enough, they could benefit by the care which comes after the court setting.

But I would like to ask Mr. Attorney General: "How does it grab you, that idea of getting the children right out of the courts, into some sort of setting where they are guided, directed without having been culprits on trial, which is, in fact, what happens now?"

Hon. Mr. Wishart: Well, Mr. Chairman, it grabs me very well. I do not think I am changing my view at all.

Mrs. M. Renwick: You will probably go down in history. I will go down as a nagger because I do not intend to stop until they do this.

Hon. Mr. Wishart: Well, I am not really concerned about what credit I get, I do not suppose I will get any. But we have urged that the young person who is in trouble be not dealt with in the court. We urged that upon the federal people because they have said, and the court has said, that the law relating to juvenile offenders is criminal law and they come within our jurisdiction. Our Acts are peripheral to that for treatment, care, and looking after and so forth.

I have been to the Solicitor General, and I think the hon. member is aware that his new proposed Act which he has been good enough to exhibit to me and discuss with me would bring about that treatment of many cases outside the court arena altogether. I hope the hon. member has some awareness of what is being proposed. Perhaps she has not.

Mrs. M. Renwick: Well, Mr. Chairman, I learned just as recently as last evening from the minister's deputy of these proposals and had intended spending some time speaking to a counterpart in Ottawa, but unfortunately, activities today just—

Hon. Mr. Wishart: Yes, well, we have been to Ottawa—

Mrs. M. Renwick: —and I would like to ask the minister, if he would inform me, as to what the major changes would be, and will the department the minister is in charge of be embracing all of those suggestions?

Hon. Mr. Wishart: I went with my deputy and with the Minister of Correctional Services (Mr. Grossman) and some of his staff to Ottawa on this subject some two months ago to discuss with the Solicitor General, Mr. McIlraith, the changes he was bringing about and we gave him the benefit of our thinking there.

I think the proposed legislation goes a long way to take from the court situation the handling of the juvenile cases, or things that we asked that further be done. I think I had the assurance of the Solicitor General down there that he would let me see—perhaps I have to be careful to say how far he said he would go—but he did promise to let me see what he would come to when he got to the point of decision and I have not had that yet.

Perhaps, Mr. Dick, my deputy, could supplement what I have said about some of our proposals if you care.

Mr. Dick: Well, Mr. Chairman, if I may, the Ouimet Report, as you know, and other reports—the federal government departmental study on the treatment of the juvenile—were published some time ago. Many of the things that are reflected in both those reports are actively under consideration in a new form of legislation which will be federal in nature.

One of the problems which generated this was the decision of the Supreme Court of Canada that vested in the federal government the jurisdiction over juveniles under the criminal jurisdiction.

One of the concerns of all governments has been how far this should go, and what age groups should be dealt with, and in these reports that have been published there has been much said about distinguishing the ages.

In other words, the broad term that has been used, the juvenile, is not perhaps accurate anymore, and it should be divided

into different age groups because these require different approaches. All of this is actively under consideration, the manner in which these different age groups, for instance the child as distinguished from the young offender, would be treated, would be different.

The statute, in line with the reports and various recommendations, might get into this distinction as to the treatment.

The reports, for instance, referred to such things as informal adjustments, which would not be trials or judicial proceedings, but would rather be adjustments under the guidance of persons associated with the family court.

This type of thing which has been recommended in these reports has been under discussion for two years now, and various drafts have been prepared and have been discussed with all the provinces. Comments have been received very appreciatively, and they have received consideration from all sources.

These are now being engrossed and considered by the federal government in drawing toward their legislation as the minister has suggested.

Mrs. M. Renwick: Mr. Chairman, I would like to ask, is there any indication from the federal government as to how soon they might implement these changes now since the two years have gone by?

Hon. Mr. Wishart: Well, I understood quite firmly—

Mrs. M. Renwick: Informally?

Hon. Mr. Wishart: —from the Solicitor General that they would be in this session.

Mrs. M. Renwick: In this session? Does it also involve the transference of the juvenile detention homes to The Department of Social and Family Services? Is that part of the consideration? This was offered, of course, about two years ago, by the federal government, to transfer these—

Hon. Mr. Wishart: I do not think that is contemplated.

Mr. Dick: If I might say something, one of the things that was discussed and which the minister put forward in discussing this matter, was that—and this is a matter of our position as put forward so it is not disclosing anything—the Supreme Court of Canada puts us in the position under the existing legislation

that the breach of a municipal bylaw by a youngster was automatically in the criminal jurisdiction and he was a juvenile delinquent, so to speak.

We have urged upon those whom we have discussed it with that the breach of a provincial statute, or the breach of a municipal bylaw, the minor sins, so to speak, should not be dealt with in that category.

Mrs. M. Renwick: As far as riding a bicycle on a sidewalk?

Mr. Dick: Well, this was our position. The case coming out of British Columbia was a minor offence which had to be treated as, and the Supreme Court of Canada said it was within, the criminal jurisdiction.

Hon. Mr. Wishart: We fought against that.

Mr. Dick: We have suggested, as far as our position is concerned, that the provincial statute offences, the bylaw offences, these minor offences, should not be dealt with in the federal jurisdiction under the criminal law jurisdiction, but should be left and excluded from the Act and left with the provinces to deal with as they feel best in their jurisdiction. They may deal with them and remove them from the criminal law context altogether.

Mrs. M. Renwick: It seems to me that if the federal government should go ahead and insist that this is the way the Act is going to be drafted, then they are going backward instead of forward. Because if you look at the kinds of cases, there are a number of cases of joyriding and so on that are obviously not criminal offences unless they have created some sort of criminal problem by accidents and so on. But I think what I would like the Attorney General to take a good look at and have second thoughts about is that in 1969 the Attorney General said that he would admit—Mr. Attorney General said:

Because we have not formulated, we have not found the way to find a better system to handle them, that is all I know. There are some—I think one would have to admit—there are some incorrigibly bad. Perhaps you can never change them, I do not know, but there are some who get down the road, particularly for the first time or maybe the second. Those are the ones I would like to see guided away from the courts, I do not know what to do. I think the hon. member for Peterborough said “before they get into trouble,” but even after the first round of trouble, if you could then prevent them from getting into the clutches of our institutional system—I do not know the answer, I wish we could find it, and formulate it, and bring it about.

Now, Mr. Chairman, I sincerely hope that Mr. Attorney General has never regretted saying those words. Because I am sure that

there could have been some backlash to them. But that is exactly what happens to children once they get into the position of being in a court and not having any place to put them for treatment. Obviously they are going into the institution by the system. And whether that is a benefit is a very debatable point.

Where the minister talked about incorrigibility, I would like to point out that in this same police report, out of 3,816 prosecutions there were only six that were listed as incorrigible—including a 13-year-old and two 14-year-olds. And that tells us something right there. But that is, in all likelihood, the real root cause of needing any sort of legal interpretation of where these children stand. I notice 375 cases were for theft under \$50, and this is a great worry to me. There are eight 10-year-olds, 10 nine-year-olds, 11 10-year-olds, eight eight-year-olds, 10 nine-year-olds and 11 10-year-olds, 26 11-year-olds, 31 12-year-olds and then it jumps to 56 13-year-olds, 91 14-year-olds, 141 15-year-olds.

I would like to draw to the minister's attention that some areas of operation invite this kind of petty theft in these days of self-serving stores, such as candy stores with up-and-down aisles of penny candy. It was a personal experience that made me take an interest in what was happening in stores of that kind, and I am pursuing it in some detail to present to the minister at another time.

But I saw a case where a child had money in his pocket for his candy, saw his brother coming from Scouts through the other entrance to the store, went out the door to his brother, and the man of the store immediately grabbed him and called the police. Now, the den mother happened to be with the Scout, came in and intervened and pointed out that the child had 35 cents in his pocket, was shopping for his candy, saw his brother through the door and went out. But it worries me that this case could have ended up in juvenile court; the child could have ended up needing some sort of guidance or, not needing guidance, the case could have been adjourned, as so many of these cases have been.

It seems to me that to people like Fern Alexander, Jim Felstiner, Ward Markle, Lloyd Richardson, Barbara Chisholm — to name just a few—that the Attorney General owes much. They are willing to put their lives on the line—and they are putting their lives on the line in this kind of work—at least one institution in this province that has an open door, an open-ended institution

where children can get help, among other many little details of other things that are vital to their operating in a proper fashion. Because, as I understand what is happening now in the area of caring for children, every facility is overloaded—bar none.

And when Dr. Marcilio was put into the courts from the Clarke Institute, everyone there apparently breathed a sigh of relief. But then that was very short-lived, because the doctor had very few beds and one judge has said that he has used up his allotment until January 13—and he is only one of four judges. And I gathered he is one of four judges who are overworked, apparently they are having night sittings until 7 o'clock. They apparently need two more judges. I do not know. Maybe the minister would comment on some of the things—for instance, where have the social workers gone who have gone out of the courts? Inspector Alexander tells me the last four social workers left in January, and there were 20 at one time. And I notice in volume 10 of the law reform commission report they were counselling 12,000 cases a year in 1965, I think it was—the latest figures of counselling.

Well, look at Mr. Attorney General's more recent report which the deputy gave to me yesterday. Counselling was up in the thousands and thousands and I do not know who is doing this counselling now that these people have gone.

Are the probation officers expected to do marriage counselling? They are not trained for marriage counselling. Is that what in fact, is happening? Where have the social workers gone?

Hon. Mr. Wishart: Well, the social workers are not within my or within the department's control.

Mrs. M. Renwick: They were in the courts from some other department?

Hon. Mr. Wishart: I do not know whose people they are that you speak of. We have the probation service. We have decentralized that to serve—

Mrs. M. Renwick: Do probation men do some?

Hon. Mr. Wishart: —in order to serve the courts better. We have decentralized it and placed them around in several locations in Toronto. We have taken from their shoulders the work they were doing to assist the federal parole board, which we were doing over a number of years. We did not take it away

because we were not compensated, although we were not given any payment for that.

Mrs. M. Renwick: Were they not overworked, Mr. Chairman?

Hon. Mr. Wishart: We took that away from them. We have not been able to increase the complement greatly, but we have adjusted their work and I think they are doing the work quite capably. The number of cases, the case-load they carry, I think is, in every case, up to the limit or at least substantial.

We have relieved them, as I say, of that other duty they were performing. They do counselling as well. They do serve the courts very assiduously, but I do not have the social workers.

Mrs. M. Renwick: How many probation officers are there, and by how many have they increased over the years? I am sure I can find in the family law projects study where the fellow reporting on the juvenile courts said that the men were so overworked they could not do the job properly.

Hon. Mr. Wishart: Mr. Chairman, I do not want to—

Mrs. M. Renwick: You want to do that under “probationary”?

Hon. Mr. Wishart: Probationary services is all vote 905. That is one solid vote itself.

Mrs. M. Renwick: Probation services, Mr. Chairman, have not come up yet.

Mr. Chairman: No. Vote 904 is the next vote.

Mrs. M. Renwick: You want to leave that discussion on the probation officers until 904?

The justices of the peace that are in the courts, are they justices of the peace for Metro or for Ontario?

Hon. Mr. Wishart: They are often appointed for a county or district, but we have recently been enlarging their jurisdiction, a great many of them for Ontario.

Mrs. M. Renwick: How many are in what was called the juvenile and family court? I understand there are three.

Hon. Mr. Wishart: Two or three as far as I know at the moment.

Mrs. M. Renwick: Well, Mr. Chairman, Inspector Alexander says there are three?

Hon. Mr. Wishart: Three.

Mrs. M. Renwick: And that they have no jurisdiction outside of Metropolitan Toronto, which causes them serious difficulty because when they have a child returned to them from another jurisdiction and the child is sometimes returned by airplane, the justices of the peace cannot sign a warrant for picking up that child at Malton Airport because it is outside their area.

Mr. Dick: This is the first we have heard of this.

Hon. Mr. Wishart: I have never heard of this. We can extend their jurisdiction.

Mrs. M. Renwick: I am very glad I went over to see Inspector Alexander because there are a number of things in here. I would like to give them to the minister in rather a concise report here that I made from my interview with her, and perhaps in that way, Mr. Minister, you will deal with them item by item.

Mr. R. J. Boyer (Muskoka): Are these, Mr. Chairman, justices of the peace whose work is limited to the juvenile court, or could another justice of the peace—

Hon. Mr. Wishart: Well, they have the jurisdiction of a justice of the peace, but they work entirely in the Metro, in those courts, but they would have the jurisdiction of a justice of the peace, generally. They are allocated, sort of, by the need for that work.

Mr. Boyer: Could any other justice of the peace be called upon for work arising out of the juvenile court?

Hon. Mr. Wishart: This is true, but that would cause some delay and difficulty.

Mrs. M. Renwick: With all due respect to Mr. Boyer's question, I think what Mr. Boyer has not done is sit down with someone like Fern Alexander or some of the people working in those courts. Yes, they can, Mr. Chairman, get a justice of the peace of the province of Ontario to sign their warrant. This entails going to him, getting the warrant, bringing it back, and giving it to the people who are charged with the responsibility of picking him up. But these justices of the peace, I would like to say, Mr. Chairman, are overworked like everybody else involved in that court.

The public are getting concerned. Fern Alexander says that she is afraid they will lose their sanity down there and that a fellow like Jim Felstiner is just holding it up almost

by himself on some days. It would seem that they must have help; that they absolutely must have help and that they just cannot deal with the problems effectively under the conditions under which they are now dealing with the problems.

This is nothing to do with financial difficulties of any kind. For instance, in the same case, Mr. Chairman, where a child is picked up from another jurisdiction, who pays for that child's transportation down here?

Mr. Dick: We pay for that.

Hon. Mr. Wishart: I am told the department does. I thought the municipality did, in some cases.

Mrs. M. Renwick: Mr. Chairman, I am told that the municipality has to pay and that this is a very unwieldy procedure, too. The most efficient procedure would be if Mr. Attorney General, as the alternative to bringing juveniles back, would say to them, "You are free in North Bay, but there is a warrant for the child's arrest here in Toronto. Do not put your face around Toronto." That is the other alternative.

I am told that they have to be brought back, and that the question of expense always comes into it. If the family have not the money to bring the child back themselves—and lots of times they have not—the municipality is supposed to be paying this. The province, when they are returning an adult under the same circumstances, the minister's department pays that particular transportation. It would assist them if they could manoeuvre this sort of thing from the courts directly to the case, without involving the municipality.

Did that get to you? Did that grab you, Mr. Minister?

Hon. Mr. Wishart: I would like the hon. member to let me have that memorandum.

I would certainly be glad to have it, but it rather puzzles me—

Mrs. M. Renwick: I am going to read it, Mr. Chairman, if that is all right with the hon. minister?

Hon. Mr. Wishart: It rather puzzles me that, for instance, in the matter of the justice of the peace, if they had a difficulty there, one—

Mrs. M. Renwick: They probably have not had time to raise it. You know you said yourself—

Hon. Mr. Wishart: One request—

Mrs. M. Renwick: Mr. Chairman, the Attorney General said, on October 23, 1956, *Hansard*, he said—

Mr. Dick: They have got time to tell her, but they have not got time to tell us.

Mrs. M. Renwick: He said:

I am informed that the distinction is that in the definition of a child there is no offence charged. I have not got too much of this in my recent studies. I have not had the time.

Mr. Chairman, what I want to say to the hon. minister is that, when I read that I said, "My goodness, here I am at the top and he has not got the time either." Somebody has got to make the time to look at the juvenile courts, Mr. Chairman.

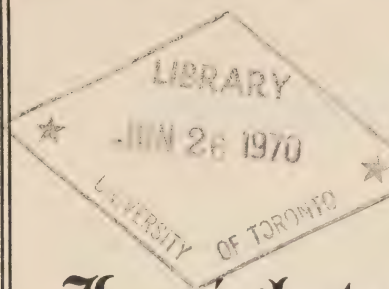
Mr. Chairman: Speaking of time, it is now 6 o'clock.

Mrs. M. Renwick: Mr. Chairman, I will send the memorandum to the hon. minister. I presume we are adjourning now for the supper hour? I will deliver it. It is my handwritten one which the minister could read anyway.

It being 6 o'clock, p.m., the committee took recess.



ONTARIO



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 11, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 11, 1970

The committee resumed at 8 o'clock, p.m.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

Mr. Chairman: Is Scarborough Centre carrying on, or will we go back to the member for Hamilton East (Mr. Gisborn)?

Mrs. M. Renwick (Scarborough Centre): The member for Scarborough Centre is carrying on.

An hon. member: There is no arguing with the ladies.

Mr. Chairman: Mrs. Renwick.

Mrs. M. Renwick: Thank you, Mr. Chairman.

When we adjourned I was discussing with the minister what has become of the study prepared by the family law project for the law reform commission referred to as the greatest single problem facing the judges of these courts, and he was speaking of the relationship to children in the disposition following the finding that the child requires treatment of some kind.

We were talking about the numbers of children who had been detained; 3,000-plus in 1969. I would like to point out, Mr. Chairman, for the minister's concern, that the number of children detained are those of 23,951 dispositions that were made under section 20 of The Juvenile Delinquents Act according to the province of Ontario, Department of Justice annual report of the provincial courts which the deputy gave me yesterday.

I think those figures are alarming, with four judges, three JPs and the absence of 20 social workers that should have been there to counsel. When you add this large figure of 23,000 to the 15,000 hearings for The Deserted Wives and Children's Maintenance Act, those are the two backlogs and problems, I would think, of that particular court.

The provisional memorandum on juvenile courts—the juvenile and family court as it was then known—was prepared for the in-

struction of duty counsel in metropolitan juvenile court for the York area under the Ontario legal aid plan.

On December 1 a memorandum appeared by Mr. Jim MacDonald. It pointed out some factors which have been a rule of thumb in dealing with children who are considered to be offenders as they are now in the courts.

One thing that Mr. MacDonald pointed out was that The Juvenile Delinquents Act—he referred to the Act of 1929, but I believe it has been amended since then—is that it is a treatment-oriented Act and he quotes section 38:

As far as practicable, every juvenile delinquent shall be treated, not as a criminal, but as a misdirected and misguided child and one needing aid, encouragement, help and assistance.

He also refers, Mr. Chairman, to the adjudication that state intervention in a child's life is necessary and is not supposed to carry the stigma of criminal guilt. He also mentions, Mr. Chairman, that the aim throughout is individualized treatment according to the needs of the youth.

Now, it is bad enough that under another department we will be able to deal with all of the youths who are not reached because they do not get into juvenile court, because the children who are assisted, within the limited facilities that there are available, are only assisted after there is a finding that he committed the violation of the law or is guilty of defiant behaviour.

His treatment, Mr. MacDonald said, should depend upon his needs.

This is not happening. What is the point of Jim MacDonald preparing that beautiful memorandum for the duty counsel—who is doing a good job apparently, according to Judge Little's report on the use of duty counsel in the courts—rather than individual legal counsel? It comes closest, I would think from what I can read here, to the law guardian that was recommended by the law reform committee to the law reform commission; the law guardian system of New York state.

We have got to come down to the facts, Mr. Chairman, and the facts are that all the

things which Mr. MacDonald says in here are only happening to the few boys and the few girls who are put in a new setting, in a setting that is designed to treat their particular problems. When we have not got a setting to treat their particular problems, I think Mr. Attorney General, Mr. Chairman, should make it a personal aim to remove from our society the possibility that a child needing treatment might be actually put into a training school.

Everything we read about dealing with juveniles that is available to us states that their mental health, their family background is a sociological problem. Unless we can deal with that problem we have no right to put that child into an institution.

Just to put him into a place to stay, Mr. Chairman, such as the training schools, is not good enough in our society. He is simply being held. I had a very unpleasant experience recently of trying to assist a doctor in the borough of Scarborough whose patient was a woman with a 16-year-old child who was a danger to those about him and to his mother, now that he had become this size. When he was a retarded boy of small size the mother was able to deal with him. In this particular case, the boy had been put in Whitby Hospital and Whitby Hospital were now saying to the mother, "Your 16-year-old boy is coming home". The mother was pleading with the doctor to do something about the case.

The hon. member for Scarborough North, the Minister of Health (Mr. Wells), in answer to a question, brought into the Legislature figures of approximately 350 people on the waiting list in dire need of the hospitals for mentally retarded, and 300 other kinds of cases. This lady, I am told by her doctor, was told verbally that she was one of 800 people on the waiting list to get her child a place where he would not be a danger to himself or to anyone else.

The hospital in Whitby, under pressure, found it possible to keep him there. But had there not been this kind of pressure to keep him there, he would have gone into a training situation which is hardly the way to deal with anybody in need of psychiatric care or safekeeping, even.

Hon. A. A. Wishart (Minister of Justice and Attorney General): Do you feel that the training schools do have some function, though? You mentioned being kept there. There is a programme of training, academic or school training and trade—

Mrs. M. Renwick: Mr. Chairman, for normal people, and this boy is not a normal person, so what happens to him?

Hon. Mr. Wishart: No, in that particular case.

Mrs. M. Renwick: Who does he upset and who upsets him, and what are we doing with this poor creature?

Hon. Mr. Wishart: All right, I would agree, but then earlier today in the afternoon session the hon. member mentioned that the Attorney General should see to it that some institution, some new institution open—

Mrs. M. Renwick: Not necessarily new, Mr. Chairman.

Hon. Mr. Wishart: Well, then, some open-ended institution. I wish you would expand on that and tell me what you have in mind in the nature of that institution. You were talking on the one hand about sending young people to institutional care—

Mrs. M. Renwick: Right.

Hon. Mr. Wishart: Then you say that you must have another institution. What is that to be?

Mrs. M. Renwick: Let me clarify that. I did not really mean, if I said it, another institution or a new institution.

I meant that statistics are showing—there was a study done in North York on school children—that one in 10 has some form of emotional disturbance, Mr. Chairman. I raised this figure of one in 10 during the estimates of Social and Family Services as coming out of the Seeborn report, the study on the British allied services, and said there was no reason to think it was any different here. But we did not have any studies at all here to go by.

Now that study has been carried out. In North York also there was made a study just on children who have received, or are receiving care, through any of the organizations. I think, when we look at the size of the problem, Mr. Chairman, the minister would see more clearly what I mean about the fact that we cannot, any longer, build an institution and say it has this many beds and that is going to be the limit of our care.

I went to the Clarke Institute recently to have a blind, emotionally disturbed, eight-year-old assessed, because there was no place for the child in the public school system nor in the retarded school system, because they

felt she was emotionally disturbed, not retarded. Under tests for emotional disturbance it was proved that she also had a slight retardation. Now where does this child go?

Mr. Chairman: Perhaps, I am wrong, but—

Mrs. M. Renwick: Sorry, Mr. Chairman, I am coming off the subject. I will go right back to the Clarke Institute which is the very institute that brought any hope into the juvenile courts. I do not know how recent it was—Mr. Attorney General, maybe you will let me know—how recent it was that a doctor from Clarke was placed in the courts.

Hon. Mr. Wishart: About a year and a half ago.

Mrs. M. Renwick: About a year and a half ago. But you see he is placed there, not able to cope with the problem. He is only placed there to cope with the number of beds he has got. In placing the child that I placed, there were only 12 residential beds for them to place my particular patient in. So what on earth is juvenile court up against, if there were only 12 residential beds?

What Inspector Alexander made perfectly clear is that when they finally get a child into one of these institutions for assistance and care, one child goes out. That has been the rule of thumb: Whether the child is ready to go out or not, it simply is a case of, "There are this many beds and this many children," and when they finally pressure to get another child in, one comes out.

Mr. G. Ben (Humber): Mr. Chairman, are we talking on the Correctional Services or the—

Mrs. M. Renwick: Are you on a point of order?

Mr. Ben: I am on a point of order.

Mrs. M. Renwick: Mr. Chairman, I would like to ask if the hon. member, who is so rude, is on a point of order? Because he has no manners and no grace, in my opinion, would you ask him?

Mr. Ben: Well, you have no sense, either common or good. So would you mind telling me, Mr. Chairman, on a point of order, where this applies?

Mr. Chairman: To ascertain this, I must confess that I am a little bit confused myself as to where the emotionally disturbed children and the retarded children enter into the juvenile delinquent section and the—

Mr. Ben: And the institutions she is speaking about. Where do they come into this hon. minister's vote? We discussed those on the Correctional Services department.

Mrs. M. Renwick: Mr. Chairman, I began my remarks by saying that the study prepared by the family law project for the minister's perusal has stated the greatest single problem facing judges of these courts in relation to children is disposition, following the finding that the child requires treatment of some kind. Now, as long as the hon. minister—

Mr. Ben: That is The Department of Correctional Services.

Mrs. M. Renwick: Mr. Chairman, as long as the minister is going to be responsible for the courts, he has got to make them work. They have got to work or they are useless. Right now they are bogged down and in a state where Fern Alexander has said the following things:

For weeks and for months, every conceivable agency is chock full and wait-listed. When people call the police and ask, "Can you get help—"

Mr. Ben: On a point of order, Mr. Chairman. Are you going to be a chairman or are you not? Would the member speaking please signify how this is connected with the hon. Minister of Justice?

Mr. P. D. Lawlor (Lakeshore): On the same point of order, Mr. Chairman. I do think that the hon. member might have a little more grace. It makes little difference whether the hon. member speaks about this matter at this particular point in the estimates or whether she works under the law reform commission, where it would be a perfectly legitimate matter, being a submission from the law reform commission on family matters directed to the Attorney General of this province. I think she would quite legitimately speak about it under those circumstances. So why not let her do it right now and get it over with?

Mr. Chairman: I would ask the hon. member to relate it to the point as quickly as possible. I have given a fair amount of leeway on this.

Hon. Mr. Wishart: Mr. Chairman, I would just like to say this: I think it is interesting to hear what the point of view of the hon. member for Scarborough Centre is. I do point out that while the courts have the problem of dealing with the children, we do

not have the institutional care of children after they have gone through the court process. We have detention centres and we have probation and counselling service for the court, but when the disposition of the children is made, then they go out of our responsibility and our care.

But I think I have to admit with the hon. member for Scarborough Centre that perhaps it is related pretty closely to the court, because if you have not got some institution to which the court may direct the child, then maybe we are lacking in not pressing for that—although it does not come within our responsibility.

Mr. Ben: But is it not a fact that—

Mrs. M. Renwick: Mr. Chairman, I have the floor; I do not believe the hon. member for Humber has the floor. Does he have the floor, Mr. Chairman?

Mr. Ben: On a point of order.

Mr. Chairman: Actually, on a point of order from the member for Humber, this would more properly come within The Department of Correctional Services, where it says "treatment and training of juveniles", and I agree. But I have been trying to allow the member for Scarborough Centre to relate this to the juvenile delinquents, and as long as she relates to them as quickly as possible, I will allow her to carry on.

Mrs. M. Renwick: Mr. Chairman, on a point of order.

Hon. Mr. Wishart: She has not yet given me an answer to my question. I am still anxious to know what that institution is that she wants him to go to.

Mrs. M. Renwick: Well, Mr. Chairman, I would say to the minister that if he is going to be dealing in his courts in the manner that Mr. MacDonald called a "treatment-oriented type" of disciplines for juvenile offenders—

Mr. Ben: Point of order. The juvenile courts do not want any kind of a service; they only adjudicate whether the juvenile is guilty or not.

Mrs. M. Renwick: Then in that particular case, the support has got to be available to them, even if it is a service primarily for juvenile court cases. It might even be that nobody else goes into that particular institution. But we cannot have what is going on

now, where the Hincks clinic, family children's aid service and all of the different agencies in Toronto are contacted and if there is no place to put even one more child—which is what is happening now—the very thing happens which the minister said he does not like. The child goes back to the home environment, which the police department assured me uncategorically in many cases is part of their problem with second offenders. And the problems come back into the hon. minister's courts, because they have nowhere to put that child except back home.

Inspector Alexander said that when she is called by a family with a juvenile child with a problem, they say to the family, "What can we charge him with?" Because if they charge them, at least they have the responsibility placed. If this child is dangerous when the police department is called, where does the child go for 48 hours? There is no place where this child can be put for 48 hours, safe from any trouble or safe from hurting itself.

Hon. Mr. Wishart: No place?

Mrs. M. Renwick: No. For an adult offender, there is immediate detention available. But what Inspector Alexander raised was that if they get a case of a child that they cannot get into any agency in Metropolitan Toronto, just to keep him for 24 to 48 hours for treatment, to allow the police and the agencies to work out what to do with the problem, they have to make certain that it is a holding place where doors can be locked if they have to be locked, as much as they do not like to have to lock them. They have nowhere.

It is pointed out that the courts can get 30 to 60 days of psychiatric care on order for an adult, but there is no way to get psychiatric care on court order for children. You see, the problems are very real in dealing with the problems just at the police level, before they even get into the courts.

Hon. Mr. Wishart: I think that is true. I would not attempt to deny it. But I think the hon. member is pretty much relating this to Metropolitan Toronto. I know in outlying areas there are detention centres where they can be kept, pending appearance, for 24 to 48 hours. For instance, I know that in my own area there is a detention centre—

Mrs. M. Renwick: Right.

Hon. Mr. Wishart: —which will contain—

Interjection by an hon. member.

Hon. Mr. Wishart: —which will contain them up to—

Mrs. M. Renwick: Mr. Chairman, I am going to object right now, formally, to the interjections of the member for Humber, and—

Mr. Ben: I am going to object on a point of order to the asinine attitude of this member, who has no respect for the rules of procedure of this meeting, who rambles and rants—

Mr. Chairman: The member for Scarborough Centre has the floor.

Mr. Ben: The member keeps repeating, and makes idiotic and asinine remarks that have no bearing on the subject under discussion. I would like the chairman or the Attorney General—

Mr. Chairman: Will the member for Scarborough Centre please carry on.

Hon. Mr. Wishart: I was speaking, Mr. Chairman.

Mrs. M. Renwick: Mr. Chairman, the member for Humber is so insecure when a woman rises to speak on anything in the Legislature, that I wonder if the member is suffering from some form of impotency. Mr. Chairman, I would like to ask the minister on his birthday, if he would be kind enough to tell me—

Hon. Mr. Wishart: I am going to in a few minutes.

Mrs. M. Renwick: —if it is possible in our courts to have adults ordered for treatment within 30 to 60 days.

Hon. Mr. Wishart: I would like to, if I might, first speak in answer to the hon. member's first question. I know that in many centres through the province there are detention centres where a juvenile person can be detained up to a point, in age, in their state, and their attitudes. I know that, if these detention centres are not adequate or not fitted for that particular type of detention, they are actually taken to the jail, where they are in a segregated area, away from the adult centre, just for holding until they come before the court. Your last question was?

Mrs. M. Renwick: To get a court order for treatment, it may take four to six months. The earliest court space available last week was June 26.

Hon. Mr. Wishart: Well—

Mrs. M. Renwick: What do you do with the child that you have suddenly got on your hands?

Hon. Mr. Wishart: Here, I have to say—and I do not think this is in the nature of passing the responsibility on—while I should be concerned, interested in, and anxious to take up this problem, I do think I would have to go to the Minister of Correctional Services (Mr. Grossman), to say "You are not providing this department sufficient institutional care."

Mrs. M. Renwick: You are responsible for having your department function properly.

Hon. Mr. Wishart: For me to have to keep youngsters too, as they need to be—

Mr. Ben: How can you keep a child, unless you have found that child—

Mrs. M. Renwick: Mr. Chairman, may I ask—

Mr. Ben: —to be under your jurisdiction—

Mrs. M. Renwick: May I ask the minister if he would be kind enough to take that much interest in the problem, in the name of people like Inspector Alexander, Jim Felstiner, the Richardson and Markle agencies, these people who are doing such a remarkable job. You see the private agencies, Mr. Chairman, are bending over backwards to help the children and the people in the courts. What we really need is some powerful authority, like the Attorney General, to bend over backwards from here, to say, "All right, we are going to see what we can do to make it work, to streamline it if we have to, and to add people if we have to." I think the question about the JPs being able to make warrants only for the Metro area was something the minister had no idea was going on—

Hon. Mr. Wishart: No I did not.

Mrs. M. Renwick: —and causing a problem. Actually those children are being picked up, Mr. Chairman, on Metro Toronto warranty. If there were an accident between the airport and downtown Toronto, who would get it in the neck but the police department, for operating in that way. I do not think that they have to be placed in this position. As the minister said today, with the snap of a finger, he could change that.

Hon. Mr. Wishart: I am just so puzzled that they did not raise this question long ago.

Mrs. M. Renwick: Mr. Chairman, the JPs, of course, did not raise it with me. It could be that they are just so involved with what they are doing there, as it seems everybody else is, from what I could gather. I would like to ask the minister whether he might consider having a study made of our services for children who are offenders. This would include a study of the agencies they have to fall back on, the people who are involved, what sort of work loads they have and, what sort of needs they have. I think that if the minister would take a look at the troubled-child survey that was done in North York he will see that the number of children who were coming into his courts last year was 23,000.

The DBS statistics showed only 10,000, Mr. Chairman, in 1965. The DBS reports showed that there were 10,064 appearances of persons under 16 years of age in Ontario courts; it is 23,000 now in 1970. I think that too, we have to remember the whole picture—the working mother and the children at home. Parents are not there and the sort of thing that perhaps could be controlled by parental guidance is not possible. It should be there, but it is not.

You see, it is not very difficult to go back years and see that the report on youth said that delinquent children were different from the sick children. Sick children need special care, and should not be treated as delinquent children. This is what is happening now.

Mr. Ben: Mr. Chairman.

Mr. Chairman: Excuse me. There is one question from the member for Hamilton East, then the member for Humber has the floor.

Hon. Mr. Wishart: I would like to deal briefly with some of the things that the hon. member for Scarborough Centre has said though. There was a study done—I am sure she is familiar with it—by five departments of government—Health, Education, Attorney General, Social and Family Services, and Correctional Services.

Mrs. M. Renwick: Recently, Mr. Chairman?

Hon. Mr. Wishart: That was about two years ago, or thereabouts.

Mrs. M. Renwick: About the time the Seebohm report was out, and we were all looking at allied services?

Hon. Mr. Wishart: Yes, and what was to be done with the emotionally disturbed child, and whose responsibility it was to care for them,

and so on. What I would like to have heard the hon. member say to me—I mean, I appreciate what she has said; the problem that does exist, as she points it out, is where do you send the child, what kind of treatment, what kind of care, what kind of training do you give, and how can they be brought through that area and back into society? I think this is the problem—without marking them, and in the doing of that, trying to bring them back as good citizens.

What I have not heard—perhaps she has no criticism, though I would almost hope that she might have if I may put it that way—are her comments on the way we handle children through the courts, which is my particular responsibility. I am interested on her comments on how they come to the court, how they are assessed by our probation service, and how they are handled by our courts. This is my prime and first responsibility. I wondered if she felt we were doing a reasonably fair job.

Mrs. M. Renwick: Mr. Chairman, I feel as though I am letting the hon. minister down on his birthday, by telling you that—

Hon. Mr. Wishart: Forget that.

Mrs. M. Renwick: Forget that, eh? I think the minister as well as anybody will understand how it is that someone like myself has yet to sit in family court. But you can rest assured that I will be sitting there because of what I have learned recently. I did attempt to visit Judge Chambers' courts some time back. I suppose the minister's day is much the same. I started at a picket line in Ajax this morning, went to the planning board in Scarborough at noon, and came in here at 2 o'clock. I apologize that I have not yet sat through the court.

But I do have on someone's authority—a young lawyer whom I would trust, and depend on a lot—on the function of family court, he said they are "pretty good". I think what he is talking about is the manner in which children are being dealt with. The reports that I see here seem to have taken everything into consideration except for the question of: "How do we assess, and who of us know," as the hon. minister so well said last October, "the mark that is made psychologically on a children being taken into court?"

What are we doing with children in courts at all, is my real question. But since we have them there it is not good enough, Mr. Chairman, that we take them there, brand

them so to speak, because as the minister said, they are. That we do not treat what we find, or we find we cannot get them into some place to get them treated is unforgivable. We have made the avenue to that point and having made that avenue, we all have the obligation to make certain that it is followed through. Having brought this upon the child, at least give him the 50-50 chance of being treated so that he might come out of it.

Would the minister tell me—as far as everybody being overworked in the courts is concerned which seems to be the only criticism that I have been exposed to so far—whether part of the problem is dealing with show-cause warrants that are in the same courts. There were 15,000 of them listed in the report which the deputy minister gave to me last night. The minister will recall I have questioned the minister on the floor of the assembly, because I would like to see the show-cause warrants for women who have to produce them in order to be put on the permanent rolls of government assistance under The Family Benefits Act. They have to produce these warrants and be in court in order to try to find a husband, who, even after he has been brought to court, Mr. Chairman, may agree to pay \$20 a week—as it was then, I think it has been lifted now—but then they may never see this husband again.

What has happened in expense to the court, is that, in time, the woman has been in court maybe three times before she has the skipped husband corralled—if he ever gets corralled, Mr. Chairman.

I raised a case, Mr. Attorney General, in the House where a lady from the Essex area had been obliged to attend family court three times, Mr. Chairman, having signed a show-cause warrant, in order to become a mother's allowance case. At the same time, her husband had skipped out on a private lending company, a loan company. She gave the address of her husband to the loan company and she gave the address of her husband, who was found to be in Winnipeg, to The Department of Social and Family Services representatives in the Windsor area.

The loan company tracked down the husband and the department in Windsor never ever did and yet they were still after this lady to come to court. Finally, she could not go to court on one occasion. Her child had chickenpox or measles. Her mother, who had been driving her, had the flu and she was told then, by the officials for the department of welfare in that area, that she could not

have any more welfare unless she did go to court.

Now, I raised with the minister privately, and I think publicly, the question of champerty. I got a copy of The Champerty Act, Mr. Chairman, and I am told by others just recently that it is not in existence any more. Does the minister know if it is in existence?

Hon. Mr. Wishart: The Champerty Act?

Mrs. M. Renwick: Yes.

Hon. Mr. Wishart: It is in existence.

Mrs. M. Renwick: It is in existence? Fine. When I asked for a copy here last night I was told it was not in existence. Well, champerty; does it not mean—I am not a lawyer, Mr. Chairman—does it not mean that you, as a lawyer, cannot go out and coerce me into signing something which will, in fact, benefit you financially—in other words, signing a show-cause warrant, or a divorce action, or whatever you want to me to sign, for you to get money out of the case?

Hon. Mr. Wishart: You cannot take it on a basis of you get paid on what you recover.

Mrs. M. Renwick: All right. Then what is the government doing, Mr. Chairman—

Hon. Mr. Wishart: You cannot promote an action.

Mrs. M. Renwick: What is the government doing when it has the special investigation unit of The Department of Social and Family Services—that are ex-policemen tracking down husbands—having the wives have to sign a show-cause warrant before they can get on proper assistance, so that this government can get the money? It is instituted from this government, or from their representatives, and I was told, Mr. Chairman, that the amount that was brought in—

Hon. Mr. Wishart: If I may interject, that is not champerty, because the court has said, "This husband is indebted and he shall pay a certain amount."

Mrs. M. Renwick: The woman has never been near court, Mr. Chairman, when she signs the show-cause warrant.

Hon. Mr. Wishart: The court has decided the husband has an obligation.

Mrs. M. Renwick: Well, maybe from there on in it is not champerty.

Hon. Mr. Wishart: You know, once the court has made that—just to enlarge a little bit upon the need of the wife to go. No matter what agency you might give the responsibility for collecting and seeing that he pays, unless the wife is there to give evidence that, first of all, he has not paid—and we find many cases where, if you gave it to the court and they follow up, they find the husband has returned and the husband and wife are together. They are pursuing him to make him make a payment; he is at home. Or he is divorced, and maybe she has remarried.

There are all sorts of things that must be considered, and you can pursue—

Mrs. M. Renwick: Mr. Chairman, forgetting champerty, would the minister interest himself in three areas and would he be kind enough to provide me with some statistics?

Of the 15,000 show-cause warrant cases listed in the recent report that the deputy gave to me, how many of those cases are for general welfare assistance, family benefits type of cases? How much money and how many cases were there in the previous year? And how much money was brought into the government coffers this way? Because, Mr. Chairman, I am assured it is infinitesimal as far as the government's spending goes. I am told by a law student who worked on this particular problem two years ago that this government collected \$125,000 from this source of work.

Hon. Mr. Wishart: It looks like there would be more than that in Kingston alone.

An hon. member: No, more likely like \$8 million.

Hon. Mr. Wishart: \$8 million collected?

Mrs. M. Renwick: In 1969.

Hon. Mr. Wishart: In 1969, \$8,325,000.

Mrs. M. Renwick: Yes, but that is everybody, Mr. Chairman. I looked at that figure, too.

Hon. Mr. Wishart: That is maintenance money.

Mrs. M. Renwick: That is everybody, Mr. Chairman. I am talking just now about the welfare; the people who are forced to go there, in my view, because they have to sign the show-cause warrant to get on the family benefits rolls of the government. You see, these moneys represent everyone. This is everybody in this figure.

What I want are just those cases that were brought into the courts. Very briefly, for the minister, the general welfare people in the field want to get the cases into family benefits because they want to get them off the municipal rolls. They are the instigators of the woman's signing a show-cause warrant. The minister in Ontario does not want the case on his rolls unless it is a case in which they have exhausted the chances of finding and locating the husband for some form of remittance. Therefore, he is standing at the other end, and what is happening, Mr. Chairman, in between?

If we are only collecting in this government, or your government, \$125,000 for one specific year—I will provide the minister with the exact year; it seems to me I got this report last year too late to use in the estimates; it would probably have been for the year 1967 or 1968. It would not even support, Mr. Chairman, the special investigation unit up on Eglinton Avenue East, I am sure, where ex-policemen are hired to track down these people. I do not expect the minister to have those figures handy, but I would like to get them. I think they are very relevant to whether the court should be handling this type of case at all.

Hon. Mr. Wishart: I cannot answer off-hand, certainly, as to what amount is collected for those cases which go on welfare. But I have the figure for—

Mrs. M. Renwick: For family benefits.

Hon. Mr. Wishart: Yes.

Mrs. M. Renwick: They are coming off welfare by signing the show-cause warrant, having exhausted any form of moneys to be—you see what this does, Mr. Chairman, to the marriage—

Hon. Mr. Wishart: But I—

Mrs. M. Renwick: If the marriage had any chance of being put together, the father working and the family off the rolls of either family benefits or general welfare, surely to goodness, it is practically null and void by the time somebody has been rousted out of where he has gone away just to be by himself and be a man for a little while without a lot of financial burdens. Then he finds that he has got a show-cause warrant on his doorstep to appear in family court. This is the other angle of it, Mr. Minister, if—

Hon. Mr. Wishart: Yes, but I—

Mrs. M. Renwick: You have people counselling these families on one hand and you have got people signing show-cause warrants which would practically end any union between a man and a woman, if the man has any sense or feelings at all.

Hon. Mr. Wishart: You see, if I may say to the hon. member, Mr. Chairman, she is really talking about—

Mrs. M. Renwick: Getting these cases out of your court.

Hon. Mr. Wishart: She is really talking about what the family benefit, or The Department of Welfare requires—

Mrs. M. Renwick: Right.

Hon. Mr. Wishart: —in its procedures before it places the wife and family on the family benefit rolls and—

Mrs. M. Renwick: And it is crowding the courts, possibly.

Hon. Mr. Wishart: Perhaps, the department, with some justification says if you are to come on our list and get family benefits you must establish, to some extent at least, that you have tried to—

Mrs. M. Renwick: I am not asking the minister to take sides—

Hon. Mr. Wishart: —get money from the husband. This is their procedure.

Mrs. M. Renwick: No. And you are stuck with it. Let us get it out of your courts by saying it is not right.

Hon. Mr. Wishart: I can tell the hon. member that we have collected on maintenance order—

Mrs. M. Renwick: Yes, \$8 million.

Hon. Mr. Wishart: It is \$8.3 million.

Mrs. M. Renwick: That is not as large a figure for just welfare care.

Hon. Mr. Wishart: That is a fairly sizable sum of money. But if the family welfare branch of the social service department says, "For family benefits you must make some effort, or at least satisfy us that you have made some effort to collect; tell us where your husband is, we are just not going to let him run free entirely, unless some effort is made to make him meet his obligation," that is really something that would have to be a matter of policy change in that department—

Mrs. M. Renwick: Mr. Chairman, what I am saying to the minister—

Hon. Mr. Wishart: I wonder if she means that that should be—does she mean that should be abandoned, changed?

Mrs. M. Renwick: What I am saying, Mr. Minister, is that if it is not providing what it has set out to provide—money—and it is costing, let us say, \$500,000, to collect \$120,000, then let us have a look at it. Simon Fodden, a law student, did a public study and it stated that the government was not collecting anywhere near the number of dollars to warrant the SIU branch. It did not warrant the time in court. If it is taking up the minister's staff and dollars, then I think it would bear looking into. If the minister would take that upon himself and get me the figures so that I can work them out, I certainly will work on it.

Hon. Mr. Wishart: I will have to get them, of course, you understand, from The Department of Social and Family Services.

Mrs. M. Renwick: When your cases come to court, Mr. Minister, do you know whether those show-cause cases are private or whether they are to do with the government? Would the courts not have any—

Hon. Mr. Wishart: No, I do not think our records would show that at all. But I think I can get the—

Mrs. M. Renwick: Are those payments not then made, Mr. Chairman, right in the family court. I mean those payments from that type of recovery of money from the husband? That is right. The payments, Mr. Chairman, go into family court. If a woman is on assistance, the payments are now all made into family court. At one time you had to request to have them made into family court, but now if a man is assigned to pay \$40 a month, it goes into family court and the woman stays on regular assistance. So they would have some record there at least of the number of cases that they are collecting funds from in that fashion.

Hon. Mr. Wishart: I can check that out and see what I can get from them.

Mrs. M. Renwick: Thank you.

Mr. Chairman: The member for Scarborough East. That is not Scarborough East, Hamilton East.

Mr. R. Gisborn (Hamilton East): Thank you, Mr. Chairman. I want to raise with the minister, Mr. Chairman, the procedures of the courts in regard to the fracas in Hamilton in December, 1968, which resulted in the death of a policeman and another citizen, and the subsequent charges of capital murder against six citizens who participated.

I am sure that the minister and his department will have much more information on the situation than I have been able to amass. All I know about the case is what was in the press, the attitude of the presiding judge as presented by the press, and the deep concern by the lay citizens in Hamilton as well as some of the legal profession as to procedures. Usually the average citizen not in the legal profession reads court cases and lays emphasis and attention to the results or the charge but not the proceedings. The legal people usually take an interest in the proceedings.

I want to make it clear that in raising the situation, I have in no way any sympathy with the accused. I think that the least I could say was they were undesirable citizens and I do not raise it to lay any more reflection on the actions of the police officer than have been expressed by the proceedings of the trial and of course those that were printed in *Maclean's* magazine stories.

There is no doubt from the story that the police had acted in a manner not conducive to good police procedures. In my opinion and the opinion of many there was evidence that they had harassed to a great extent the people involved in the fracas. The main point that I am concerned with, and many residents of Hamilton are concerned with, and I would think that many of the legal profession across the province would be concerned with, was the procedures that were carried out.

The judge banned the press entirely from attending any of the preliminary hearings. I take it that the minister and the Chairman will excuse my ignorance of the professional approach to it, but, nevertheless, it is a very important subject as far as many are concerned. They held the preliminary hearing and inasmuch as the judge had banned the press entirely one reporter through station CHML did get legal advice and tried to protest the banning of the press. He was fighting for the freedom of the press. The *Hamilton Spectator* played very little part in the protests.

The point is that I would like to elicit from the minister his department's disposition of the procedures. I understand that the judge, under section 451 of the Criminal Code in

subsection J, has the discretionary powers to ban the press. Frequently they hold cases *in camera* where they allow newsmen to attend under orders that they do not release the story until they are either cut free by the judge or until the court case is over. This would seem to be understood. But the ire that was raised was the complete and entire banning of the press and the family. They also declared that the transcripts were not available to the public or the press, which seemed to go beyond what Mr. Stu Brooks, the *Spectator* reporter, court reporter felt was necessary. The way he put it is very clear—that and the way the people in Hamilton took it.

The labour council was quite disturbed about it and many organizations were quite disturbed about it. It has really put a dent into our sense of British justice inasmuch as we declare and feel that justice does not only have to be said to be done but it has to be seen to be done.

In this trial it was not the case. After the preliminary hearing, of course, they went into court and it lasted for eight weeks. Then some of the evidence started to come out during the eight-week period of the activities of the police and the harassment that they had been carrying on. A greater degree of the police activities was then reported by an informer to Mr. Stu Brooks which brought about the story in *Maclean's* magazine.

What I would like to know from the minister is what is the Attorney General's disposition of these procedures? I would like to know if he condoned them, if he intervened in any way during the procedures or following the procedures or at the end of the trial, and what is his position regarding the use of section 451, subsection J of the Criminal Code, if that is the proper one that I repeat from the *Maclean's* story.

Does the minister feel that is necessary to make representations to the federal Minister of Justice, at least to remove the discretionary powers of any judge to ban the press entirely? With my little knowledge it seems that in some cases it might be necessary and allowable to put a freeze on the release of news in cases where there would be families involved, where juveniles would be involved and in rape cases or such. But in the regular case of criminal procedures, it does not seem to be in keeping with what we call a sense of British justice.

The results of what happened in Hamilton reflected more on the activities of the police than if the trials had been completely open. There are still rumours, there is still specula-

tion and this is not good in our society. It is not good for a police force and, of course, it is not good for precedent.

The main point I want to make is that the story tells us that with the complete banning of the press at the preliminary hearing, it established for the first time in Canada a precedent. This, then, should bring concern upon all of us who are interested in justice and it should be of concern to the minister and his department.

Hon. Mr. Wishart: Mr. Chairman, I am very glad to answer as fully as I can on this whole matter. In that trial I believe all the accused were charged with murder. The hon. member refers to section 451J of the Criminal Code and I stress that that is a law of Canada. The law was made by the Parliament of Canada which is binding upon all the provinces and which we administer. We are bound by it and I will give my opinion in regard to it later.

But I read it now. Section 451J says: "A justice, that means a judge, acting under this part," and that is part 15 of the code, "may," and I go to J, "order that no person other than the prosecutor, the accused and their counsel shall have access to or remain in the room in which the inquiry is held"—speaking of it as a preliminary inquiry—"where it appears to him that the ends of justice will be best served by so doing." The judge may on his own initiative, if he feels that in order that the accused may have fair trial, order that just the prosecutor and the counsel for the accused and the accused may be there at the preliminary inquiry. I think that is a fairly new section. No, that one is old; I will come to one that is more recent.

That one has stood in our law for some time and it is designed to afford, in a preliminary inquiry which is not the trial, some protection from the focus of public opinion until the matter has come to trial when it will be heard and all the evidence will be presented and the whole case will then be heard.

That section to which the hon. member refers has to do with the preliminary inquiry. That was done in this case. The accused were protected by that provision which was, as I say, standard law laid down by the Criminal Code which must be followed. The judge has that discretion; he exercised it. I do not know who the judge was on the preliminary inquiry.

It came then to trial. When the case came to trial, the charge was murder, under section 452(a), which is a new section, 1968 and 1969. It has just come into being in the code.

It gives the power and this is the way it reads:

Prior to the commencement of the taking of evidence at a preliminary inquiry, the justice holding the inquiry shall, if application therefor is made by the accused or, where there is more than one accused, by any one of them, make an order directing that the evidence taken at the inquiry shall not be published in any newspaper or broadcast, before such time as (a) the accused who made the application is discharged, or (b) if the accused who made the application is committed for trial, or ordered to stand trial, the trial is ended.

They have a further power which is a new section saying that the evidence at the preliminary inquiry shall not be published in any newspaper until the trial, if there is a trial, is over; or, if there is no trial, until the accused is discharged. And that was exercised.

There was a request. This had to be done on the request of the accused. That request was made by one of them and the justice shall—

Mr. Gisborn: Did you say it was made in this case?

Hon. Mr. Wishart: It was made and the justice then had no discretion. He shall require that there be no publication of that evidence of the preliminary inquiry. That is for protection again; the whole concept of the law is that the person coming—

Mr. Gisborn: That is until the case is set down for trial.

Hon. Mr. Wishart: And the trial is ended.

Mr. Gisborn: How would this ever take place if they are banned entirely?

Hon. Mr. Wishart: The trial can go on. But the preliminary inquiry—or the proceedings there—shall not be published. If the accused says, "I do not want the newspaper or any news media to publish it," it cannot be broadcast.

That was brought in by the Parliament of Canada. Again, the whole concept basic to our rights of the individual, particularly the rights of the accused standing before the courts, is that his trial shall not be coloured; he shall not be prejudiced by the publication in newspapers, which may or may not be verbatim, as regards any comment because they do not have the facts; that he may have a fair trial without any coloration from the evidence

given at the preliminary inquiry. That was that part of the case.

The trial went on before Mr. Justice Grant. Certain evidence had been heard and at some point in that trial after, I think, most of the evidence was in, a consultation was held with counsel for the accused persons and counsel for the Crown. Harvey McCulloch was the crown attorney. Mr. Justice Campbell Grant, I think, everyone will agree is a most competent and capable judge, and I say that with respect.

It was then felt that the charge should be reduced to manslaughter. To the charge of murder, there had been entered pleas of not guilty. On that consultation, on the advice of counsel for all persons, crown included, it was decided to direct—and this was a jury trial so that again, the public was there in the person of the jury, persons from the citizenry of the country were there as a jury, making the decision as to guilt or innocence—there was a directed verdict by the judge. He gave a very long, complete, thoroughly clear charge to the jury and directed a verdict to find the accused guilty of manslaughter.

That was done, as I say, after a study of the evidence, after much of the evidence was in and on consultation. I think one would conclude without question that before that judge, with the very senior counsel acting on the part of the Crown, murder was probably not able to be established.

In any event, there was a directed verdict of manslaughter and that was found.

I just want to say this. This question was raised with us, with The Department of the Attorney General, by the member for Wentworth, Mr. Deans, some months ago. I think it was following the article in *Maclean's* magazine and we had a most thorough examination then at his request, to satisfy ourselves. We were kept well informed throughout those proceedings. But we went further and then examined it most thoroughly and reported the matter to him in detail as I state it here. I would say this that the article in *Maclean's* magazine, and I say this very definitely, was grossly—what is the word—distorted.

It was not really a factual, proper account of those proceedings. I know the reporter who wrote it; his name is on the article. I will not mention it here, but that was a very distorted article and it did not give really a true picture of those proceedings. I do not know that there is anything more that I need to add.

Mr. Gisborn: I think everything came out in the trial, for the eight days the trial was on—

Hon. Mr. Wishart: That is right.

Mr. Gisborn: —the preliminary trial and then they changed the plea.

Hon. Mr. Wishart: I should mention that, perhaps. You will understand from the sections of the code, 451, that I quoted about the judge having the authority to prevent persons being present in court on the preliminary inquiry and a further duty in 452A to prevent publication on the request of the accused, he has to do that. But there is still, and bear this in mind, when the trial comes on, then the evidence may appear, except that the judge may, of course, I think under some section of the code, prevent anybody from being in court at any time. I believe that he has that discretion.

It is in that other section of the code but it is at the preliminary inquiry, not the trial, in order that the accused may have a fair trial, that he is protected from anyone being in court except himself, his counsel and the prosecutor and the judge at the preliminary inquiry. Then he is protected from the publication of any of that evidence until he stands before the court that is going to try him for guilt or innocence.

Mr. Gisborn: There is a point that I do not quite understand. With the banning of the press or any publication during the preliminary trial, whatever takes place in that preliminary trial is never known to the public.

Hon. Mr. Wishart: That is right.

Mr. Gisborn: It is applying to the judge, the prosecutor and the defence.

Hon. Mr. Wishart: That is right, except that after the trial, distinct from the preliminary inquiry which is held, the transcript of that evidence may be published. After the trial.

Mr. Gisborn: The transcript of the evidence of the preliminary trial?

Hon. Mr. Wishart: That is right.

Mr. Gisborn: Then it can be obtained?

Hon. Mr. Wishart: Right.

Mr. Gisborn: Well then, and this was the point I was making, why ban the press? Let the press sit in on the preliminary trial under orders not to release information until the trial is over, or the judge frees them to do so.

Hon. Mr. Wishart: Well, I think the hon. member—

Mr. Gisborn: This, then, establishes the fact that justice has appeared to be done.

Hon. Mr. Wishart: Yes.

I think the hon. member did ask what is the Attorney General's view? What is he going to do about these sections?

Well, first of all, I could do nothing about the sections. They are part of the law of Canada passed by the Minister of Justice and his colleagues at Ottawa.

My view of them? If the press cannot publish until after the trial, there is not a great deal of point of them being present at the preliminary inquiry because they can get the transcript after the trial is ended and publish it and they will have exactly what appears in the transcript.

I think these sections are designed to afford persons accused of crime a fair trial without any colouration, without putting any ideas in the mind of the public which may affect them. After all, they are tried by citizens, by members of the public, by a jury, so I think—

Mr. Gisborn: Then I take it that it is a fact that the public now could have access, or has access, to the transcript of the preliminary trial?

Hon. Mr. Wishart: By all means. Anyone can get that transcript.

Mr. Chairman: The member for Humber.

Mr. Ben: I would like to cover a number of items. I would like to deal first of all with the provincial courts as this is the last item that was under discussion and go back to the county courts.

To the purpose of the provincial courts, I think we should look more into the family and to that aspect of it.

The minister has, at least on three different occasions and three different years, promised to make available to me any report which is made to him by people from the family court.

Number one was a report in which Mr. Allen, that is William Allen, at one time Metro chairman, was involved with a Judge Crudeff and a Judge Bennett. This is going back before the 1967 dissolution of the House. I am still waiting for that report.

Hon. Mr. Wishart: Was this a promise on a question in the House?

Mr. Ben: That is right.

Hon. Mr. Wishart: I wonder if the member will be good enough to give me the reference in hand.

Mr. Ben: Oh, good grief now, you have a staff why do you not find it?

Hon. Mr. Wishart: No, I will stand by it as I said.

Mr. Ben: No, I say you have a staff, they can look. You are asking me to start looking. That is one point.

Secondly, I recall the minister stating that new legislation was to come down; that there was in being a review of The Deserted Wives and Children's Maintenance Act and we would have new legislation down. That has still not come down.

Hon. Mr. Wishart: Did I not make some amendments to The Deserted Wives and Children's Maintenance Act? I am sure I did.

Mr. Ben: You did?

Hon. Mr. Wishart: I think so, about collection of accounts. I am sure I did this.

Mr. Ben: You made one amendment, just one.

Hon. Mr. Wishart: You could take it to another court I believe. It seems to me that we made an amendment which eased the procedures—

Mr. Ben: That is right. At one time it said only the judge could order a show-cause summons, and that is going back into antiquity.

Hon. Mr. Wishart: Oh, I have not been here that long. I am not that antique.

Mr. Ben: I recall that very distinctly, because I was the one who forced the issue, when Stewart was a JP at the family court and he issued a warrant for the arrest of someone on a show-cause summons and had to be taken to sue him.

He phoned up your department and it was pointed out to him that he had no authority to issue such a warrant. Subsequently you amended the Act to give him power to do that.

Hon. Mr. Wishart: Right. I carried out part of that promise.

Mr. Ben: Part of it. A very minute part. We also had many discussions about the tactics of

your judges in the family court in continually holding hearings in private. Now the Act is rather specific. It gives them the power to hold hearings in private, in that it says a judge "may", not "shall", but "may" hold the hearing in private. The hon. member who has just finished was talking about the Criminal Code and about the press being banned. Here, this happens all the time.

Hon. Mr. Wishart: That is right.

Mr. Ben: And, Mr. Attorney General, I have been prohibited from sitting in court, even though I stated that I was there as a member of this Legislature. That is carrying things a little far. They can hold certain of those hearings in open court and certain ones they cannot. But do they have to hold them in private all the time? Can there not be a ruling that the press can sit in but shall not mention names? Should the public know what goes on in those courts? Maybe even the judges would like to know what is going on in those courts.

Hon. Mr. Wishart: The judge is sitting there.

Mr. Ben: The other judges. To use sentencing as a sort of an example, one judge must know what the next judge is doing.

Hon. Mr. Wishart: They talk. They have the judges' association.

Mr. Ben: That may be for some people.

Hon. Mr. Wishart: They communicate.

Mr. Ben: How do they communicate from Wentworth county, for instance? Does the judge of Wentworth county phone up the judge in Metropolitan Toronto and say: "Now, look, I have got such and such a case here. How do you handle such a case? What do you give in these circumstances?"

Hon. Mr. Wishart: The other judges would not be down sitting in the court anyway.

Mr. Ben: I will tell you why, Mr. Attorney General, you persist in forbidding us. In no place are there as many lay judges, that is judges without legal training, as there are in the provincial court family division, I say to you bluntly—

Hon. Mr. Wishart: You object to that?

Mr. Ben: I say to you bluntly the reason that you persist in permitting them to hold all of the hearings in private is that you are

ashamed to cast the light of day on their competence.

Hon. Mr. Wishart: Oh, no.

Mr. Ben: You just prove it. You cannot, because no press has seen the daily report. The public has not seen it. Only your hirelings have seen it. It is strange that social workers can go and sit in those courts and it does not affect them at all, but lawyers cannot go in and sit in those courts to determine how other similar cases are being treated. We are discussing the welfare cases here—

Hon. Mr. Wishart: If the hon. member will permit me to interject, I asked the member for Scarborough Centre about the operation of these courts, and she said, "generally very good".

Mr. Ben: She said she had never been. She said she heard only the statement of a law student. She said she had never visited them. And she could not visit them. Yet a welfare officer who has absolutely nothing to do with the cases whatsoever can go in there and sit. I recall an occasion when I was up before one of the judges—now deceased—and I refused to put in any evidence at all, because he did not even charge the accused with anything. They are running it like—well, kangaroo court is too good a word for it.

Hon. Mr. Wishart: Do you think lay judges should not sit in juvenile and family courts?

Mr. Ben: I say you have refused to shed the light of day on your judges because you are afraid that they just do not stand up to scrutiny. Let us not avoid the issue; let me get back to—

Hon. Mr. Wishart: I just reject that.

Mr. Ben: Well, you can reject it.

Hon. Mr. Wishart: You can say it, but I will reject it.

Mr. Ben: The judge said that we are not going to permit people to put the charge on the public. Here is a woman on welfare and why should her husband not support her? There was not a tittle of evidence that the woman was on welfare. As a matter of fact, Mr. Attorney General, she was not on welfare, she was keeping down two jobs, making twice as much as the husband. But because a Mr. Janes from welfare happened to be sitting in court as an observer, and because the judge knew he was from the wel-

fare department, he took it upon himself to presume that Janes was there because it was a welfare case and that this woman was on welfare. He said so and I have the transcript of it.

This is what happens in your courts. Here was a fellow who was not a judge; as a matter of fact I think at the present time there are only about two who are judges. They are not judges, lawyers. You say they are great; the people down at the family court say they are great because they are part of a group. But how many reporters have you heard say they are great? How many people off the street who sit in those courts have you heard say they are great? None. Because not one of them has been able to see them.

Again, getting back to the family and juvenile courts, why is there such a workload in these courts? The other day, I asked your clerk down there to supply me with the docket for that day. It was not the docket for the day, it was just the juvenile cases. There were 95 juvenile cases on that particular day. I am just trying to go back to see which day it was here; I may even give you the date. There were 95. It was a long weekend, 95 cases, and they came from all over the city of Toronto, from the far reaches of Scarborough to North York and Etobicoke. You have been asked time and time again to decentralize these courts.

Hon. Mr. Wishart: We have done that.

Mr. Ben: You have not done that. You have decentralized some of the services. I asked you a question in the House, and you said you had decentralized the probation service, but not the court itself. If, for the convenience of a motorist who may have some inconsequential offence to answer to, like speeding for two, three, four, five miles above the speed limit, you have courts all over the metropolitan area, why can you not have the same for the juveniles? Or for the deserted wives and families? Why should they always have to come down to 311 Jarvis Street, where you do not even have parking facilities for anybody?

I rather suspect that you or someone in your department must have an interest in a parking lot across the road. If people are entitled to have their day in court, why are they not entitled to have facilities down there, so that they can bring their witnesses down?

You said for some reason you established a court in that area. At least, it could be central, but it is not central. If you had established it at the corner of Yonge and Eglinton,

which at this time is more or less the geographic centre of the city, I could understand it. But it is not even central. When are you going to start setting up regional juvenile family courts in the outlying areas, so that people do not have to come all the way downtown?

Hon. Mr. Wishart: Does the hon. member want an answer now?

Mr. Ben: Yes, you could give us an answer now.

Hon. Mr. Wishart: I did reply to the hon. member, I think, in the House the other day.

Mr. Ben: Yes, you did.

Hon. Mr. Wishart: We did decentralize certain services, and widely disseminated them throughout the metropolitan area—

Mr. Ben: So they should be.

Hon. Mr. Wishart: Yes, probation and family counselling.

Mr. Ben: Family counselling.

Hon. Mr. Wishart: It becomes a different question when you decide to decentralize a court. What that really means is not just the word decentralization; it means that you have to set up other courts. Those other courts have to operate with probation services, with counselling services, with psychiatric people to advise, and so on. It means the setting up of a whole court operation. This becomes a very difficult thing.

We just have not got enough persons to provide those services in separate court facilities. We, at the moment, are not capable of doing that. We have made a start in the dissemination of those two services that I mentioned, but we are just not able to give a court the psychiatric services. If you have five of them, say, or two of them, or three of them, running, we just have not the facilities or personnel to do it. We just cannot do that at this moment. Perhaps we can find the means of increasing the people we need in order to do that, and I think there is some merit in what the hon. member says, but we have not done it yet because we are just not able to do it.

Mr. Ben: No, come on, Mr. Attorney General! You are not dealing with the member for Scarborough Centre, who does not know how the courts function, has never been down there. I know how they function. I know that

you have no right to the person of that juvenile until the judge has found that you do. The only right that you have to the person of that child is to keep it in a detention home until it comes up for trial.

Hon. Mr. Wishart: And once the judge should dispose of the child I—

Mr. Ben: Then, then—

Hon. Mr. Wishart: Then it is not mine any longer.

Mr. Ben: That is right. This is what aggravated me for the almost two hours that the member for Scarborough Centre took up. She had absolutely no concept of how the courts down there function. You do not have power, or your courts do not have any power, to order a child to be examined by psychiatrists and the like before it comes to court.

There may be some social services to which a person can be taken to determine whether a child is emotionally disturbed or mentally ill, or the like. But you do not have the same powers as does a judge, for example, to order an examination of a person committed for 60 days. What kind of psychiatrists do you need? The psychiatrists and the social service people that you have are there predominantly and primarily for the family court aspect of it, family counselling. Your courts, for example, do not even find a child guilty or not guilty of an offence. They just find whether or not a child is a juvenile. A child may be there because he stole a bicycle, but what the child is up before the court for is that the child is a juvenile because it stole a bicycle.

Hon. Mr. Wishart: He is found to be either delinquent or—

Mr. Ben: Delinquent, yes. I am sorry. They are all juveniles. I am sorry for using the wrong word. They are juveniles because they are there. But all a court can do is find that the child is delinquent, and the reason for its being delinquent is that it may have stolen a bicycle. But they do not pass—they do not find him guilty of having stolen a bicycle—

Hon. Mr. Wishart: No.

Mr. Ben: —or the like.

Hon. Mr. Wishart: I wonder if the hon. member would permit me to deal with the question of publicity, the public in the court?

This matter was taken up very recently

with the chief judge of the juvenile and family court, Judge Andrews. I think he is known to the hon. member. On April 13 of this year he replied to my deputy and said this:

It seems that the question of privacy—

This is the question that the hon. member raises.

—for family court hearings continues to challenge. For your assistance, I offer the following views:

1. The Provincial Courts Act does not specify as to privacy of hearings—

That is the Act that I introduced in the House and had carried by the Legislature a year ago, or thereabouts. We did not include in that Act any provision that the hearings of the juvenile and family court should be held in private.

That is the first point I am making; that I did not ask for or include that in our Act, which is the Act under which juvenile and family court judges are appointed and under which they operate.

Judge Andrews continues:

2. Privacy, where specified in the individual statutes is as follows—

And then he mentions a number of statutes:

The Deserted Wives and Children's Maintenance Act—

He gives the section, section 9;

Privacy there is in the discretion of the judge.

He mentions The Juvenile Delinquents Act, section 12. There again, under the discretion of the judge. The Criminal Code of Canada makes a provision for privacy. That is section 482 and again places it in the discretion of the judge.

The Child Welfare Act, page 2, the protection section, section 46 reads: "The judge shall exclude" and in that Act there is no discretion; the judge shall exclude.

In affiliation orders, that portion, section 55, says, "That shall be heard by the judge in private."

Judge Andrews says there are certain advantages for publicity in these courts. He mentions them: "There is opportunity for justice to be seen and to be done." That is what the hon. member is saying: Secondly:

There is an opportunity for a large public understanding of the court in all respects. There is an opportunity for members of the community through information of the nature of the cases coming before the

court to protect against breaches of the law and other social problems.

For instance, parents may counsel their children against committing offences of shoplifting, when it is brought directly to their attention that such offenders may end up in court.

In other words, the publicity that someone is brought to court for that may help to prevent others from coming. Parents may be concerned and counsel their children accordingly. He goes on to say:

Preventive programmes may be designed when knowledge is brought home through information of the court's activities with regard to drug offenders, cases of malicious damage, liquor charges, school break-ins and so on.

If there were publicity on these, it might have a salutary effect. He continues:

The limitation on the resources of the court may be better appreciated by an informed public. Thereby support for the community programmes may be more readily obtained. This is particularly significant with regard to foster group homes, volunteer probation counsel, marriage and financial counsel.

Judge Andrews continues and says this:

The law appears to be adequate. It is the exercise of judicial discretion in allowing the public—

and this also means the press:

—into court which causes concern.

I think that is what the hon. member says: Is it the discretion which the judge has exercised which gives him concern in excluding the public and the press? Judge Andrews says this is the concern, but just let me continue with what he says:

Certainly the press is not entitled as a right to attend these hearings. The exercise of discretion, by the judge may, in many instances, be based on a very fine, delicate and almost intangible reason. It is most difficult to lay down specific guidelines.

In other words, he is saying that you have to leave some discretion to the judge, but then he goes on:

Perhaps some general principles such as those I have described represent the maximum guide.

and he offers the following:

I offer the following considerations for the exercise of discretion by the judge:

This, if the hon. member would like to have the judge's view, is the view of the chief judge of the family court:

The judge's view of the responsibility of the press or publication which they represent is one thing he should take into account.

The nature of the case which comes before the court, such as bestiality, as against a case of petty theft.

There would be a different consideration there. Thirdly:

The age and the maturity of the parties before the court.

For example, in very young persons there might be the question of intimidation of witnesses if there were a large number of public present, or the press. Fourth:

The importance of the case in the community. The notoriety of the event.

Whether, then, that should be publicized or not in the court hearing. Five:

The degree of probability that reporting of the facts may serve to identify the parties, particularly in smaller communities.

He says that sometimes that is very difficult to evaluate in advance of the hearing. Do you want the parties before the court in a small community? They would be known from a very small amount of publicity and would put the finger on them as to those parties who were before the court. The purpose of the discretion, privacy in the court, is to keep the parties from being marked in a small community particularly with the fact that they have been brought before the court. So the judge has to take that into account. At least, Judge Andrews suggests that it is one of the factors he should take into account.

One more and I will be done. He continues:

The ultimate beneficial effects which knowledge thereof—

that is of the case:

—may have for the community apart from information as to the identity of parties.

So that there may be some benefit to the community from having it public but there may be some damage to the individuals, who if they are juveniles, might be identified in the community. These are things that judges must bear in mind. Judge Andrews says:

I already made a note, some weeks ago to bring this matter before the rules committee for its consideration.

He says there is some doubt as to whether the committee can pass a definite rule where the statutory discretions are so clear. I think he has considered this very thoroughly. He has given us some guidelines and, of course, I am sure that the chief judge, being the chief judge of the juvenile and family court will have given his views to his brother judges who come within his jurisdiction.

I will end up by saying I agree with Judge Andrews in that I think you can make no hard and fast rule. The discretion is there for the judges and I do not think we can take that discretion away. I do not think that is up to the Attorney General in the light of the law. And we have not put it in The Provincial Court Act which is set forth in those several other Acts where the judge either has a discretion or he has no discretion but "shall exclude the public." I do not think it is for the Attorney General, in the fact of that law, to say to the judge, "You must, in every case, let the public in." I do not think I can do that.

Mr. Ben: Mr. Attorney General. I remember one time I sent you a note which was rather flattering of you. I want to tell you that I am appalled now to discover your absolute lack of knowledge, your ignorance of what goes on in your courts—

Hon. Mr. Wishart:—the law.

Mr. Ben: Mr. Attorney General if any of your judges in the family division of the provincial court on Jarvis Street did exercise their discretion, then I am afraid I would have my back against the wall with no argument. I say to you, sir, that not in the 19 years that I have practised before the family court down on Jarvis Street have I once seen an exercise of a judge's discretion to hold the hearing in private. This is my complaint. It a standing rule that all cases are heard in private.

A judge has never, never, to my knowledge exercised his discretion. I have questioned counsel and counsel and counsel to determine the validity of my argument before you and counsel after counsel have asked me to make this argument that the judge never ever exercise their discretion. In case after case not once has the judge said, "What is the nature of this case? Shall we hear it *in camera*? Shall we hear it in private?"

Hon. Mr. Wishart: In the light of the fact that several Acts say that judge has the discretion and that certain Acts, including the Criminal Code, say he shall not admit the

public. Does he believe that Attorney General can tell the judge in a general directive, or general rule, "You must exercise a different discretion?"

Mr. Ben: No.

Hon. Mr. Wishart: What do I do?

Mr. Ben: You can tell him to exercise discretion.

Hon. Mr. Wishart: Well, that is what the Act says he does now.

Mr. Ben: But they are not exercising discretion. I do not know which is thicker, sir, your head or the wall. I just tried to tell you that they never exercise discretion. To exercise discretion is to make a choice between one or the other, and it is never.

Hon. Mr. Wishart: I seem to fail to get my question through to the mind of the hon. member. Do you believe that when an Act says the judge may exercise discretion, the Attorney General has any right to say to the judge, "I want you to exercise your discretion more frequently?"

Mr. J. Renwick (Riverdale): May I make this comment? It would seem to me that when you start from the basic premise that the court hearings are held open to the public, then I think it would be quite in order for the Minister of Justice to draw the attention of the court, of the judges generally, to the fact that is the basic premise and a departure from the basic premise should really be an exercise in discretion in each individual case.

Mr. Ben: In each individual case.

Mr. J. Renwick: Because I agree with the member for Humber that the custom—and I think that is what it is in the court on Jarvis Street—is that the atmosphere indicates that they are private, and for the ordinary citizen to walk into one of those courts is about equivalent to an ordinary citizen going for a swim in Muskoka; he feels as though he is trespassing.

Hon. Mr. Wishart: May I deal with that?

Mr. Ben: Well, I have some other things here, but I will—

Mr. Chairman: You can have the floor back after the minister in a moment.

Hon. Mr. Wishart: We have been told here tonight that there are perhaps 80 or 90 cases on the court list, that the judge should exer-

cise a general discretion that the court is open. But he cannot do that. I think everyone will admit he has to exercise it in each individual case; he lets the public in to the first case and then he must have them removed for the second case, and so on right through the list. I think this would be a most difficult thing to do.

The procedure, as I understand it now, is that if somebody is interested in a particular case before the court, they go to a clerk and say, "I have an interest in this case; I wish to be admitted." The clerk then discusses it with the judge, and on that interest being shown, he goes in.

Let me just add this: I am not just sure whether the member for Riverdale was here when I related to the members of the committee, and particularly to the member for Humber, that we have taken this matter up with the chief judge of the juvenile and family court and he has written us as late as April 13 about the discussions and the considerations which—

Mr. Ben: Did you really get a reason why it should be open?

Hon. Mr. Wishart: I gave you the reasons.

Mr. Ben: I know you did.

Mr. J. Renwick: As long as they are on the record.

Hon. Mr. Wishart: They are on the record. And he had suggested further that he would take it up with the rules committee, so I think we will maybe get some direction here. But I do point out that even though the Attorney General were to say—I do not say the judges would not pay some heed to a view that is expressed that perhaps there is not a wide enough discretion exercised—even though the Attorney General were to say to the judges of the juvenile and family court, "I want you to exercise more discretion," they could very well say, "Mr. Attorney General, I am the judge. The Acts, the law, give me a right as a judge to exercise a discretion, and I shall have to exercise it as I see fit." And I think that would be in the nature of—

Mr. Ben: Mr. Chairman, I happen to think that would be making a mockery—

Hon. Mr. Wishart: Will the hon. member let me finish? That would be in the nature, I think, of a reprimand which I would be probably entitled to receive. I think I might express the view in some way to the judges that there is a feeling that a wider discretion

should be exercised, that the public should be admitted, but I do not think I have the authority to order the judges to do this.

Mr. Ben: Mr. Attorney General, you either are just obstinate by nature or you do not want to listen.

Hon. Mr. Wishart: I have a certain obstinacy.

Mr. Ben: All right. Mr. Attorney General, again I am trying to impress upon you how the family court division operates in Metropolitan Toronto. You are talking about the judge exercising his discretion. If the judge picked up the information, looked at it, and said, "Bailiff, I think this case should be heard in private. Would you please ask all persons in the court not party to this action or involved in it to please leave?" Then it would be difficult to quarrel with you, because he is exercising his discretion. And I do not think even a court of appeal is going to interfere with the exercise of his discretion, but we are trying to tell you that this is not what they do. Even when a case is not being heard they will not let you in the courtroom.

Hon. Mr. Wishart: There is no appeal from his discretion.

Mr. Ben: I recognize that. This is the point I am trying to make. I am saying they do not exercise the discretion. If I were to appeal because it was held in private I would have to succeed because the court would just say, "Well the judge did not exercise any discretion at all."

Hon. Mr. Wishart: He exercises—

Mr. Ben: He exercises no discretion. You just cannot get into that courtroom whether a case is going on or not.

Hon. Mr. Wishart: He exercises a discretion at present, as I understand the hon. member, and I think he is right.

Mr. Ben: By hearing all cases in private.

Hon. Mr. Wishart: He exercises discretion by hearing them all.

Mr. Ben: That is not exercising discretion. I think perhaps we ought to have a stated case on that. It is your job to take one up and see what it is. You should present a stated case to the court of appeal and let them rule on it.

Mr. Chairman: Does the member for Humber want to go on tonight?

Mr. Ben: No. I am not through with that yet. All those reasons that Judge Andrews stated are valid reasons why the case should be heard. I point out to you, Mr. Attorney General, that you yourself in speaking to the member for Hamilton East, read to him the two relevant sections and the one section in the Criminal Code, that is a new amendment, that permits the press to be present, but at the request of the accused. The accused has to request it, no mention, no report of it—

Hon. Mr. Wishart: That is not a juvenile and family court.

Mr. Ben: No, it is not. To tell you the truth, Mr. Chairman, what really is offensive is that your judges will not even let lawyers sit in. There is not a court that hears cases in Canada where they will not let lawyers in. This is the offensive and reprehensible part.

How do we know whether what the judge ordered in our particular case is normal, is right, or wrong, onerous, too onerous?

How do we know whether our client was well treated when we have nothing to judge by?

A lot of us who practice there frequently have our own experiences to go by, but when a neophyte goes in there, a person who is there for the first time, how does he know whether his client has had justice or not?

Hon. Mr. Wishart: I should think he would speak to the judge and say I have an interest in the case.

Mr. Ben: When you say you have an interest in the case you do not have an interest in the case, that is a falsehood. You are interested in observing, but you do not have an interest in the case. You are interested in the operation of the court, but you cannot say honestly: "I have an interest in that case."

They will say: "What is your interest?"

"Well I want to see what happens."

"Why?"

"I just want to see."

Hon. Mr. Wishart: I do not know, if you have not got an interest in the case, whether that carries you very far or not.

Mr. Ben: This is the way your courts operate down there. Now, Mr. Chairman, the next thing I want to deal with is—I want to just go back to—

Mr. Lawlor: May I just say a word on that same point that you were making, and I am even going to support you. Is that all right?

Mr. Chairman: If you are going to be short, like the member for Humber, that is all right.

Mr. Lawlor: Yes, I am going to be very short, unlike the member for Humber.

Mr. Ben: The only time I had my opponent against the wall—

Mr. Lawlor: Surely the hon. member makes a valid point.

Hon. Mr. Wishart: I think he does.

Mr. Lawlor: The general rule must be that the courts exist for the very purposes of scrutiny of the kind of society they have. They must be open courts, and when the discretion is exercised it must be a specific discretion that is exercised not *carte blanche*, as apparently the practice has grown up in the family courts of the province. You can see the reason for it.

A lot of these are virtually held *in camera* and you are excluded. This came up in a case the other day down Burlington way and the same thing applied. We attributed motives there, saying that the reason it was put in that court is precisely because of the exclusions that are customary.

It is a practice that has grown, and I think personally it is a most questionable practice.

Even as a law student, you could go into courts were people, the general public, were excluded. You were in the other courts too. They allowed us to remain and to hear these cases. It was well understood that the matter was confidential. You would not go out and talk about it afterwards.

But for the general running of the machinery of justice, it is usually permissible at least for lawyers to sit in on the courts. If the press are to be excluded from these courts then I would think that the judges should be under some obligation to give good reasons therefor. In many cases, I suspect they would be perfectly valid reasons according to prescribed criteria set down by Judge Andrews.

You cannot order judges, of course. But surely, you can send out an opinion saying that Judge Andrews' nostrums in this regard strike you as being very sensible ones, and that you would be most pleased to learn that the members of the judges in the family court are disposed to accede to these requests in the overall interests of justice in the province.

No one can condone the present practice of what is going on in the family courts. The hon. member deserves credit, because it is

by default that it has taken place. We lawyers have not protested; it has gone on for years and it has got worse.

Hon. Mr. Wishart: Mr. Chairman, could I just say that I thought I had fairly well made it clear that we had taken this matter up, I think in the proper way, with the chief judge of the court. We got his consideration of the matter; we have his very thoughtful opinion back, and I think that through him—as he says, he was going to take it up with the rules committee—I think that through him, we will be able to achieve something in the way of—

Mr. Lawlor: Have you replied to that correspondence in the vein of saying that you find that what he says is eminently sensible?

Hon. Mr. Wishart: Not as yet, no. He was going to discuss it with the rules committee; we have discussed it with him and I think that through him, and through this approach, we will achieve something of what the hon. member is striving for.

I am inclined to agree that there should be a wider area of discretion, but I did want to point out that the Attorney General, as such, cannot himself give a direction; he cannot do that.

There are ways that we can achieve this and I think perhaps we are working toward it. We were doing it before, as you could see. A month and a half before this committee met, we were on to this matter, trying to find some way to improve it.

Mr. Ben: Mr. Attorney General, may I ask you—

Hon. Mr. Wishart: Yes.

Mr. Ben: —when did lawyers cease to be officers of the court?

Hon. Mr. Wishart: They are officers of the court, but I think the language of the Acts—if you are talking about the exclusion of a person from the court, I think there is no exception made for lawyers.

Mr. Ben: Then you agree that we are still officers of the Supreme Court of Ontario?

Hon. Mr. Wishart: Of the supreme court? Yes.

Mr. Ben: All right.

Mr. Ben: And you agree that, at the present time, other officers of the court are permitted to sit and listen to these cases?

Hon. Mr. Wishart: All I can say to you is that the—

Mr. Ben: Do you agree with that, Mr. Attorney General?

Hon. Mr. Wishart: You are an officer of every court of record, not just the supreme court.

Mr. Ben: And family court is a court of record?

Hon. Mr. Wishart: Right.

Mr. Ben: Fine. Then why are we not, as officers of the court, permitted to be present when the court is in session?

Hon. Mr. Wishart: Because in certain of our Acts, we have said the judge has a discretion to exclude you.

Mr. Ben: Does it say an officer of the court?

Hon. Mr. Wishart: It does not say an officer of the court.

Mr. Ben: All right then, is it a fact that in order for the government to be bound, the statute must specifically state that the Crown is bound? Is this a law?

Hon. Mr. Wishart: You are not an officer of the Crown.

Mr. Ben: I beg your pardon?

Hon. Mr. Wishart: You are not an officer of the Crown.

Mr. Ben: Is not the court the emanation of the Crown? Is it the Queen's justice?

Mr. Lawlor: Use your QC; that should really be an "open Sesame."

Interjections by hon. members.

Mr. Ben: Mr. Attorney General, I was entranced by the argument that was presented here by the member for Scarborough Centre because something struck me rather strongly about this business of show-cause summonses. The phrase that was used was show-cause warrants, I am sure 15,000 show-cause warrants were not issued—I presume that they were summonses. Am I correct, Mr. Dick? All right.

The question arose about compelling wives who wish to go out on general welfare—not on general welfare but general assistance rolls—to lay a charge of desertion against the husbands. And whether—I thought that the hon. member for Scarborough Centre said

that I had misconstrued that in many cases—it was the wife that was at fault and therefore she was not entitled to maintenance under the law, i.e., she had deserted the husband. And yet, she would be compelled to lay a therefore false information saying that she was deserted, when in fact she was not. And she has to go to court and be revealed as having been the deserted party.

Insofar as the children are concerned, it makes no difference whether the mother deserted the husband, or the husband deserted the children. It is completely irrelevant. The children are entitled to maintenance. Under those circumstances, why should the wife be compelled to lay an information?

Surely, the official guardian or anybody, even a justice of the peace at the court, or an officer of The Department of Social and Family Services should be entitled to lay a complaint that the child has been deserted. As a matter of fact, if my memory serves me correctly, an information can be laid under The Deserted Wives and Children's Maintenance Act insofar as the children are concerned by other than the wife, is that not correct, Mr. Dick?

Mr. A. R. Dick (Deputy Minister): I do not know at the moment.

Hon. Mr. Wishart: I think it is right.

Mr. Ben: I think it is right, too. As I recall, there is one instance—anybody could issue a show-cause summons, but the husband has to get the permission of the Crown, believe it or not. So why compel a wife to go through the—now what is it?—the charade of charging her husband with having deserted her when in fact he had not. To go through all this rigmarole, cluttering your courts, when all that is involved is maintenance for the children and any officer, either of your department or The Department of Social and Family Services could perform the same function and all the husband would be required to do is swear under oath that he has been supporting them and indicate how much. Do you not concur, Mr. Attorney General?

Hon. Mr. Wishart: I think I am inclined to, yes.

Mr. Ben: All right, then. We will not pursue that since you are so agreeable.

Mr. Chairman: Are you finished?

Mr. Ben: No, I just want to pursue one more thing, and then I will be finished. That is the wage scale in your county courts.

Mr. V. M. Singer (Downsview): I want to talk about this exclusiveness, or right to exclude—

Mr. Chairman: Of the family court?

Mr. Singer: Yes, of the family court.

Mr. Chairman: Do you mind if we hear from your colleague on that?

Mr. Ben: I will finish this and then you can go back to it.

Mr. Singer: Oh no, I would like to talk on this point while it is still alive.

Mr. Chairman, I am disturbed about the thought that there is arbitrary discretion in judges, whether it be on the family court or other court levels, of saying this session is private. I think you have got yourself in serious trouble, Mr. Attorney General, by reason of condoning the actions that took place in the Duke case, and I suspect this is going to haunt you for a long time yet.

Hon. Mr. Wishart: It was the judge's decision.

Mr. Singer: Well, all right. It was the judge's decision, but you said it was a right decision, or he is privileged to exercise his discretion in the way that he did.

I have been disturbed for a long period of time—and if you look back into *Hansard* you will note this—about the power that is given to public officials to conduct public business in private. I brought forward on a number of occasions a series of suggested amendments to The Municipal Act relating to municipal councils exercising this kind of prerogative, boards of education exercising this kind of prerogative, and I think the same kind of reasoning applies to judges on all levels. It would seem to me that we just beg for trouble when we give power to any public official, whether it be a municipal council, a board of education, a juvenile and family court judge, a county court judge or a supreme court judge, to use only as the test that he is exercising his discretion and henceforth whatever happens is going to be in private, without insisting by legislation that whenever that discretion is exercised that there be reasons for it.

It would seem to me most logical and eminently sensible that we direct our councils, our boards of education, our judges to say, All right, in this particular case, the Queen versus Jones, or on the matter of the council of Chinguacousy township dealing with their

engineer, or the police commission dealing with their inspector, or what have you, that if the responsible body that is clothed with authority from this Legislature deems it proper that the particular conduct of the hearing be held in private and that the public be barred, that they be compelled to set out prior to closing their doors to the public the reasons for which they do that.

Now this is the least that we can expect today, and I think the argument is equally applicable to juvenile and family courts. I recognize that on certain occasions there are matters that take place in juvenile and family courts where no good public interest is served by having the public generally in attendance.

Mr. Ben: Affiliation order!

Mr. Singer: Well, I do not need your help at the moment.

I recognize that there are many sordid details that do not have to be dragged through the public press in order to prove that the press is alert. But it would seem to me that if his honour judge X, in the family court, has come to the conclusion that is good and abundant reason from what he knows of the case that he is about to hear, that the public should be excluded, there should be placed somewhere on the public record some reason for that.

By the same token when a municipal council makes that decision—I recognize immediately and I say this right from the beginning, Mr. Chairman, that there are occasions when public business must, of its nature, be carried on in private. I think the least we can expect of all the vast galaxy of our public authority is that when they have determined that a particular issue should be dealt with only in private, there should appear on the public records the reasons for that decision.

All the way along the line, there are reasons, there are abundant good reasons a municipal council can say, if they are going to determine salary raises, they should not give their hand away. If they are going to determine whether or not they should expropriate certain property, they should not in advance give notice of that to the public so the people can take advantage of that kind of decision.

In court, the sort of decision that might be involved—and I am sure a judge could read it on the record—he sees that an individual is charged with a particular kind of an offence. Perhaps it involves grave family difficulties; perhaps it involves extenuating sexual implications and that sort of thing. I think he

should be directed to say “In view of the things that appear to me on the record, I therefore now order that this particular hearing shall be private.”

Then we begin to say, Mr. Chairman, particularly in relation to the courts, whether or not the judge is exercising his discretion with reasonableness. We have certain remedies. The Attorney General tells us that he deserves some accolades for having put on the statute books a statute which allows us to call in question the actions of judicial officials on the case. Perhaps some of us believe that the calling into question is a little too difficult.

In any event, it would seem to me that if Judge X has chosen to have all his hearings in private, and his reasons are somewhat unexplainable, that perhaps we might ask the judicial council to have a look and see whether Judge X is really exercising his discretion in a manner of which we approve.

I think this is a very important thing, because in this day and age, we are very concerned about the response of government to the public. There is just no point in questioning the attitude that when government business is conducted in private, as an automatic response the public are suspicious they have been excluded. I say, without hesitation, that there are occasions on which public business has to be conducted in private—

Mr. J. E. Stokes (Thunder Bay): For the third time.

Mr. Singer: But it would seem to me—well, it may be for the fourth time or the 10th time, and if the member for Thunder Bay is so stupid as to fail to recognize the implication of this argument, then he has no business being here at all.

Mr. Stokes: We heard you the first time.

Mr. Singer: Let me say this, the member for Thunder Bay is a little obtuse. He does not recognize the importance of a principle of this kind.

Mr. Stokes: We heard you the first time.

Mr. Singer: I wish you would keep quiet and stop interrupting. Mr. Chairman, I say this; I think there is a principle that has to be carried through in our conduct of public business that is particularly pertinent to conducting public business in public. I think that applies equally whether it is board of education, municipal councils and so forth.

I say again, there is something that happened here in the beginning of these estimates, and we are going to get into it later,

that I regret very much, and that is the Duke case. This is going to have a great airing before it is over, a great airing and I would—

Hon. Mr. Wishart: And a judicial council if you do not think the judge acted rightly.

Mr. Singer: No. I would think that a lot of difficulty would have been avoided if the judge on that particular case had said: "I am holding this in family court where the public is excluded for the following reasons." Some of us could have attempted to analyze those reasons. I do not think there was any excuse for it. There are many antecedent arguments relating to that which are going to be discussed later; I am not going to pre-empt at this point—

Hon. Mr. Wishart: You do not need to wear that out either.

Mr. Singer: I am not going to wear it out. I think the Attorney General is facing serious problems. I think we should explain now, in June 1970, the principle that, if public business is going to be conducted in private, whoever is responsible for that decision sets out his reasons where we can read them.

Hon. Mr. Wishart: Mr. Chairman, I would just like to answer briefly. I do not think the hon. member for Downsview was here when I went over this matter in response to the member for Humber. I pointed out that we have taken this up with the chief judge of the juvenile and family court some weeks ago. We have his very considered thought on the matter, pro and con; and there are quite a few reasons con, a number of considerations pro, privacy. He mentions the Acts in which the judge has discretion, and other Acts in which he has no discretion, that he must exclude the public.

Mr. Ben: That is on record.

Hon. Mr. Wishart: I do not want to go all over it again, but we have been looking at it and it is being considered. I have said I agreed to some extent, at least, with the member for Humber, and the members for Riverdale and Lakeshore. I think we will probably achieve something in this direction.

Mr. Chairman: Will the member for Humber carry on?

Mr. Ben: Mr. Chairman, dealing with the salaries that you pay people who work for you—

Hon. Mr. Wishart: Salaries?

Mr. Ben: Yes.

Hon. Mr. Wishart: To whom?

Mr. Ben: County courts. The county court clerks.

Hon. Mr. Wishart: I am glad the Treasurer (Mr. MacNaughton) is here.

Mr. Ben: No, you hire them, and I tell you it is shameful what you pay them. They work for you. The position and title is clerk, litigation counter; position code is 02-7398-21, department, justice; division, administration of justice; branch, courts administration, county court; section, county of York. Now how can you tell me that this does not involve you?

Mr. Chairman, when I found out what the county clerks are paid, and considering what they do, I was simply appalled.

Hon. Mr. Wishart: Is that on this vote?

Mr. Ben: Yes, it is. I made some comparisons to find out what people in the city of Toronto are being paid. I tried to find some comparable positions, so I got some descriptions. This is description 204 that is rated for the position of labourer with the city of Toronto.

Work illustrations: An employee in this class is required to perform a wide variety of unskilled manual labour as assigned. Assists in installing water services, private drains, pavements, gutters, sidewalks, sewers, and so on. Maintains store yards and buildings in a clean and tidy condition. Assists in the maintenance and improvements to city park lands, buildings and ice rinks. Checks, loads and unloads bulk material of all description. Assists carpenters, painters, bricklayers—

I think you can understand the type of work he is doing without my reading the rest of it, Mr. Chairman. Just two more lines, anyway.

Qualifications: Good physical condition and with sufficient strength to do all kinds of manual labour, able to withstand varying climatic conditions, able to perform any type of assigned task.

Minimal educational requirement: primary school.

For this type of work the new scale is \$6,911 per annum for a 40-hour week.

We have a position with the corporation of the city of Toronto's department of public works storerooms operation.

"Work illustrations:—" I will have to do this for comparison.

Hon. Mr. Wishart: Which officials of my department are you going to compare these salaries to? What clerks?

Mr. Ben: Clerk 3, general.

Hon. Mr. Wishart: Oh, just clerks in the general office.

Mr. Ben: That is their designation; clerk 3, general.

Hon. Mr. Wishart: Not a clerk of the county court?

Mr. Ben: No, not the clerk, no. These are clerks, general, grade 3.

Work illustrations: An employee in this position is required to operate a storeroom, perform all functions of storekeeping associated with the requisitioning, receiving, storing and issuing a large variety of materials and supplies, maintain an up-to-date inventory of stock and clear and concise records covering the receipts and issuance of materials. Performs minor maintenance work on tools and keeps storeroom neat and tidy at all times. Performs related work as assigned.

Qualifications: Must be experienced in receiving, handling, sorting and issuing a large variety of materials and supplies. Physically able to lift and store heavy objects. Thorough knowledge of the various classifications and quantities of materials, supplies, tools and equipment necessary—

And there are two more simple lines like that.

Salary scale: \$6,911 per annum.

Hon. Mr. Wishart: That is Metro.

Mr. Ben: No, city of Toronto.

The next one here is the city department of public works, yardman and cleaner operations. This again is equivalent to a labourer. I could read it to you:

Work illustrations: An employee in this position is required to maintain the premises of the district yard and the buildings in a neat and orderly condition. Sweeps, washes and polishes floors, cleans windows, lavatories, offices and plant furnishings and equipment. Directs the parking and storage of city vehicles and equipment in the yard. Performs minor repairs and services small combustible gas equipment. Performs related work as assigned. Primary school education is required. \$6,911 per annum.

Hon. Mr. Wishart: I wonder if I could interrupt the hon. member. I certainly would

be glad to hear what he has to say, but I would point out to him that basic to what he is saying is the fact that the clerks in The Department of Justice who serve the courts are members of the Civil Servants Association of Ontario. Their salaries and fringe benefits, all their conditions, are negotiated by that association which speaks for them and enables them to reach their salary levels. If that is not reached by negotiation, it is subject to arbitration. So the whole thing is not really in the hands of the Attorney General.

Mr. Ben: No, you are getting close, but you are not quite there.

I would suggest that you be patient. You are patient with others.

Hon. Mr. Wishart: I will be patient.

Mr. Ben: You have to be here for another 20 minutes.

Hon. Mr. Wishart: I will be here for another day or so.

Mr. Singer: You will be here for another six months.

Mr. Ben: All right. I have a few more, which I am not going to read. But here is a watchman. An employee in this position is required to patrol and police buildings and grounds, make rounds inside and outside, and so on, for the corporation of the city of Toronto—description No. 208. He receives \$7,141 per annum and must have primary school educational requirements.

Here is a caretaker, again with the corporation of the city of Toronto: Minimum educational requirements, primary school. I could read the job qualifications. It is seven lines. Salary is \$7,141.

People who go around inspecting water meters get \$7,872 per annum. The St. Lawrence Hall doorman receives \$6,180 per annum. A swimming pool attendant gets \$6,348 per annum. I can continue here with a storekeeper, grade 4. The city hall night door attendant, incidentally, receives \$6,556 per annum. He will be receiving an increase because he is an inside worker and they are going to get the same increase as the outside workers.

Mr. Chairman, if you will permit me, this is the job description of a clerk general, grade 3. Those are the people who—well let me read this, so that the other members who are not lawyers will understand:

Clerk, litigation counter—

I have read already to you that this follows the department, according to this job description:

Purpose of position: To process the work of litigation counter in the county court office, county of York.

Activities and responsibilities: Use position analysis guide format, including time percentage for each key duty—

I am now going to read number one; it is up to 65 per cent of the clerk's time, according to this job description:

Issuing and signing writs of summons (specially endorsed) and (generally endorsed), checking form and details of dates, names, required signatures, etc., to comply with statutory requirements [over 18,000 actions started in 1969 in this description], accepting pleadings at public counter, e.g. appearance, statement of claim, statement of defence, third-party notice and counter-claims; examining documents against file to determine correctness of style and cause, sequence of filings and time limits; ensuring additional material such as affidavits, proof of service, consents, necessary are attached to conform to rules of practice, referring most complex matters to supervisor or senior clerks for decision.

Attending express counter on rotation basis for single filings only where there is pressure of volume.

Charging and collecting fees according to prescribed tariff, providing receipts, passing for cashier's attention, issuing bank direction for money paid into court, order for security for costs.

Signing documents in the name of the clerk of the county court which have a legal binding effect altered only by order of judge, e.g. default judgements, mortgage foreclosures, issue writs of Fi Fa, writs of possession to provide authority to sheriff to carry out judgements signed or as ordered by judge in court decision.

Passing the record and setting down actions for trial, ensuring all pleadings are in order in file and comply with procedures concerned, e.g. interlocutory judgement, pleadings noted closed, expirations of time.

Attending public counter, giving appointments for hearings in judges' chambers and for motions according to court calendars, providing routine and specific information, referring general public to appropriate authorities or agencies.

This is what takes up 65 per cent of their time.

Now to continue, the next under number two. These duties take up 25 per cent of their time.

Performs duties in particular areas of county court jurisdiction, which may include:

Acting as commissioner of oaths, swearing and signing affidavits and statements.

Taxing bills of costs up to \$50—

I believe it is now \$75, if my memory serves me correctly.

—preparing bills for over this amount for signature of clerk of the county court or his deputy.

Checking applications under The Landlord and Tenants Act for required information, giving appointment for judge in chambers, issuing writ of possession if allowed.

Accepting filing of transactions under The Bulk Sales Act.

And I thought that was the end of it, but I have found another piece.

Being responsible on an individual basis as required for *ex parte* orders and late registration of documents, examining orders accepted by county staff, left for signature of presiding judge, e.g. late filing of commercial registrations, orders dismissing actions, request for sub service, matters from division court amending endorsements, etc., checking files to ensure in order for judges' signature.

Returning material not complying or insufficient to solicitors, advising remedial procedural action.

Attending on two county court judges twice daily, leaving documents for signature, drawing judges' attention to matters which do not seem full enough, e.g. points added to order not contained in consent, redrafting order required, including costs.

I am just pausing for breath, because I am not through.

Perform related duties such as—

And the following takes roughly 10 per cent.

Refiling case files used previous day.

Posting details in procedure book, maintaining judgement and order books as other duties permit.

As assigned:

Acting as relief cashier in mortgage or litigation office, balancing analysis sheet,

making bank deposits if required—two incumbents.

These are the job descriptions. Working conditions, normal office hours are from 8:30 to 4:45 daily.

Under "Working relationships with those supervised and others—do not include relationship with supervisor here" it says:

County court judges: Attending in chambers as required, making appointments.

Legal profession: Constant contact—receiving filings, various applications, issuing writs, discussing changes, exchanging information.

General public: Answering inquiries, referring.

It goes on to equipment used, the knowledge they have, the work complexities, the importance of errors—it says here:

Work of the court could be delayed by errors in preparation, causing individual hardship or prejudice in the interest of the parties involved.

Controlled by relevant provisions of Ontario statutes and rules of practice establishing procedure—

All these things are what these counter clerks at the county court office do. For this responsibility, dealing with the public all the time, they are presently receiving the magnificent sum of \$120 a week, which is not even the average wage in Canada, according to the latest newspaper stories. As of January 3, 1971, things are going to better themselves; they will then be receiving \$127 a week.

By the way, that is the maximum—I should point out that is the maximum they can receive. They start at the present time with a \$102.50 a week salary, which is just around \$5,300 a year. They can go up to \$6,000. As of January 3, 1971, they will be starting at \$108.50, going up to \$113, \$117, \$122, to \$127.50. With the extra \$7 a week, they will receive about \$6,500 a year, still less than a night watchman.

Hon. Mr. Wishart: Where does the Attorney General get into the act here?

Mr. Ben: You run the courts. You should insist, Mr. Attorney General, that these clerks do not fall in—

Hon. Mr. Wishart: Wages are set by their association.

Mr. Ben: Well, it says right here: "Position specification"—it is on the province of Ontario

letterhead "The Department of Justice." It says: "Administration of justice; branch, courts administration."

Right here on these forms. Surely, Mr. Attorney General or Minister of Justice, whichever you prefer to be called at this hour—

Hon. Mr. Wishart: Either one!

Mr. Ben: —surely the clerks who perform this function should not be in the same general category as the clerk 3 general, who may be working in some branch of The Department of Lands and Forests who never sees the public, who sits behind a desk there or in any of these other departments.

Surely there should be a special judicial category for these people who need this extra training, especially now where some people are starting to get divorces themselves and they go and ask the clerk at the counter how they should perform this function.

Surely all these specifications, all this job description, entitles them to receive more than a measly, insignificant, inconsequential \$120 a week for all the efforts and responsibility that it entails.

Surely, also, there should be a special category of the civil service lists—if that is where you want to pass the buck, although I would much prefer to see you pass the buck to some of these clerks because they can use it—a special category of legal clerks.

They now have law clerks. That was discussed here yesterday by one of the members; I cannot remember who it was, possibly the hon. member for Lakeshore. But surely there should be a special category to cover this so they could progress in their own category. I am surprised that the lawyers have not been up in arms when you consider how much work is going on, how much they have to do. Mr. Attorney General, Mr. Minister of Justice, may I just draw to your attention—

Hon. Mr. Wishart: What figure did you come out at as to the total?

Mr. Ben: I beg your pardon?

Hon. Mr. Wishart: What figure did you arrive at as to the total of that clerk when you brought out the weekly pay—? \$5,300?

Mr. Ben: (A) is the present weekly rate—and I have all the figures here. (B) is effective January 4, 1970, and (C) is effective January 3, 1970. The effective rate for clerks, clerk 3 general, is presently under (B) effective

January 4, 1970. It is \$102.50, \$106.50, \$111, \$115.50, and \$120 respectively.

I might point out that the reason you will refuse people appointment to clerk 4 general is because, ostensibly, they must do supervision. Yet, the clerks must supervise themselves. They have a very responsible position here, and yet there have been some who have been appointed to other departments who are not carrying out supervisory functions who have been made clerks 4 general.

For example, there was a transfer to the Justice of the Peace's department in the city hall, clerk of the peace, and also to the surrogate court. They were made Clerks 4 general. But I believe that these people should be in a special category because they carry out a special function and they exercise responsibility all the time.

Judges rely on them. Lawyers rely on them. As it says here, in the job specification here,

Work of the court could be delayed by errors in preparation causing individual hardship or prejudice in the interests of the parties involved.

Surely they deserve something better than that. Mr. Attorney General, may I have your attention? These are figures you should have available, and I daresay if you ask the hon. gentleman next to you he could probably turn them up.

Hon. Mr. Wishart: I have them here.

Mr. Ben: Very well. Are my figures correct?

Hon. Mr. Wishart: Yes.

Mr. Ben: Fine. I hope they are because they are mimeographed, they are photostats of them.

Hon. Mr. Wishart: That is right.

Mr. Ben: This is how the business in the county court, county of York has increased. In 1967, there were 15,492 writs issued. In 1968, 15,569; in 1969, 18,287. In 1969, to June 6, there were 7,672 writs issued.

To June 5, when I got these figures, of this current year, 1970, there were 9,393 issued to June 5, one day less, but that was a jump of almost 20 per cent.

In addition, Mr. Attorney General, in 1968 there were 427 landlord and tenant matters; in 1969, 512. In 1970 to June 5 there were already 823, and thanks to your new Landlord and Tenant Act, I daresay that is going to continue to increase at an appalling rate. All this extra work they have been doing, and yet, this is all that you pay them, sir.

Now you are the head of the department where equity is supposed to prevail. Tell me, do you honestly believe that what these clerks are receiving from you as the officer who heads the department in charge of the administration of justice, is equity?

Listen to this job description and listening to the job descriptions that I read here from comparable employment—patrolman, \$6,744; city hall night attendant, \$6,556, which is the rate, by the way, that these clerks will receive after the 1971 increase goes into effect.

I am sorry, this is an indoor rate and they have not settled their negotiations. I am told that they will be probably receiving the same rate of increase that the outside-workers' union got, because they are all keeping their jobs for them. So that will be going up, I suppose, by 19 per cent?

Mr. Lawlor: Something like that.

Mr. Ben: I have mentioned the labourer, I have mentioned the storeman, I have mentioned the yardmen and cleaners, \$6,911; I mentioned watchmen, \$7,141; the caretakers, \$7,141; water meter inspector, \$7,872; St. Lawrence Hall doormen, swimming pool attendants, building custodians and storekeepers.

Mr. Attorney General, do you not think that you ought to do something about this? Do you not firmly believe that they should be immediately reclassified into a higher category to begin with while the civil service writes a new job description and specification, so that they become litigation counter clerks with a special category for them as stated on the top of this position specification? May I hear from him?

Hon. Mr. Wishart: Well, Mr. Chairman, I do not directly deal with the matter of salaries of clerks, persons in the employ of the department. The procedures are pretty well laid down away from my hand.

As I mentioned, these persons are members of the Civil Service Association of Ontario. They have a right, if they are dissatisfied, I believe, with their classification, to appeal.

They can grieve through the department and their grievance is heard by the Treasury Board or the classification rating committee. I thought they went first to a discussion with the Treasury Board.

Mr. Ben: Mr. Attorney General, I am sure all the members here know this. We all know this, but you are the Minister of Justice. Do you not think that you ought to have some

responsibility to ensure that your employees, the people who carry out your edicts and rules and regulations, are being well treated and are being paid their salt? Do you not think that is your job?

Hon. Mr. Wishart: I would answer yes to that.

Mr. Ben: All right, then exercise that responsibility. Do not try to tell us about the civil service. We know. We have been sitting in the Legislature, all of us, for at least five years so we know about job classifications. We know about the civil service.

Hon. Mr. Wishart: Then, I guess, I have answered the question then.

Mr. Ben: In other words, you intend to do nothing else?

Hon. Mr. Wishart: No, you asked me if I was concerned, and I said yes.

Mr. Ben: Well, what do you intend to do about it?

Hon. Mr. Wishart: I was about to tell you how the thing was now dealt with and what

we might consider doing further, but you interrupted me in the midst of my reply. I did not get a chance to finish it.

Mr. Ben: Well, continue then, sir.

Hon. Mr. Wishart: The only thing I could do after they have gone through the procedures presently laid down, if it was brought to my attention that they were still dissatisfied, would be to perhaps go then to Treasury Board and say: "I think these people are underrated, underclassified, and underpaid." That is the only place where a minister could exercise any influence on the thing to have him rerate it or upgrade it.

Interjection by an hon. member.

Mr. Chairman: Unless you want to carry this vote 904 for a birthday present.

Some hon. members: No.

Mr. Chairman: We stand adjourned until 3:30 Monday afternoon.

Hon. Mr. Wishart: Hooray for legal aid!

The committee adjourned at 10:30 o'clock, p.m.

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STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, June 16, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 16, 1970

The committee met at 4:05 o'clock, p.m. in committee room No. 1, Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

Mr. Chairman: Gentlemen, I will call the meeting to order.

I have substitutions today: Mr. Bolton substituting for Mr. Deans; Mr. Carruthers substituting for Mr. Demers; Mrs. Pritchard substituting for Mr. Dunlop; Mr. Ben substituting for Mr. Good; Mr. Kennedy substituting for Mr. Hamilton; Mr. Evans substituting for Mr. Johnston of St. Catharines; Mr. Breithaupt substituting for Mr. Sopha; and Mr. Gilbertson substituting for Mr. Yakabuski.

We are on vote 904, and I believe that the member for Lakeshore has the floor.

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman!

Mr. Chairman: Is it a point of order?

Mr. Bullbrook: Yes, on the substitutions. For example, because of the need in the House we have one substitution. Does this prevail for the entire day, sir, or do you entertain a resubstitution afterwards?

Mr. Chairman: For the evening session I have been permitting resubstitution filed at the beginning of any particular two-and-a-half-hour session, or in this case two-hour session.

Mr. Bullbrook: Thank you.

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): I want to say a few words, Mr. Chairman, about legal aid in the province. Are we prepared to go on with that at the moment as you see it?

Mr. Chairman: I am not aware of the progress made last Thursday in my absence, but I presume that we got through everything right up to the legal aid plan, which is the

last item then under vote 904. Is that correct gentlemen?

That being correct then, and being on legal aid, the member for Lakeshore has the floor.

Mr. Lawlor: Mr. Chairman, some years ago when legal aid first got going, the vote in 1967-1968 was for \$3,890,000. For the 1968-1969 year, the actual expenditure was considerably in excess of the amount voted for. The vote was \$6,700,000; the expenditure was \$7,078,000. This year the sum being sought is \$8,160,000.

So the plan, which it goes without saying I am wholly in favour of, continues to expand and to cost considerable more money year by year. I would trust in this considerable area that we have reached some kind of plateau now and that the inundations in the area of legal aid will level off. If they do not level off, then we have numerous devices at our command to perhaps cause a saving or cutback to some extent in the expenditures of legal aid.

If, for instance on the family court system, the Attorney General launches off on that tangent or direction in line with the volume 10 on the study of family law done by the law reform commission and advocates that the family court handle the complete package of family matters, including divorce, alimony, maintenance and all aspects of family relationships, I suspect that there would be considerable savings; particularly the streamlined procedure which does not grant divorces with unconscionable ease but which at the same time, using the full leniency and the full liberality of the new divorce provisions, brought them into effect at that court level. Or, as we have talked about time after time, if the divorce procedures went through the county court system and were given to county court judges, at least in a certain range—say the uncontested divorce actions, although there could be an argument there. Maybe the uncontested ones should be the ones more deeply looked into, rather than the other way around. But by and large, on the face of the record, the cases are pretty conclusive.

Divorce cases, if you look at the schedule of cost, are running around \$400 a case, whereas I think you will find that most cases in the magistrate's courts on an individual basis are running about \$75 a case. The only other cases that exceed the cost of a divorce case are those having to do with homicide, capital offences. I will not go into all those figures, they are at disposal through the report of the Law Society of Upper Canada; 1968 is the latest report I have in hand.

Now a number of changes have taken place; we have passed over 100 amendments ourselves last year, I believe it was, in the House, to streamline and to save considerable sums of money in this particular area. The thing that bothered me at the time, and continues to bother me somewhat, is the uncollected, and apparently to some extent uncollectable accounts of the society. It is mentioned in the 1969 report—I am sorry, this is a later report; this is at page 6 of the report from the law society, Mr. Chairman—the total amount of fees and disbursements for all completed cases was \$5 million; \$44,000 was expended as disbursements. We have paid out in disbursements in cases not yet fully completed, and other fees and disbursements, almost \$1 million; and that included the administrative expenses. The contributions coming from clients amounted to \$304,000, and \$97,000 was received on account of client recoveries on civil matters. The net cost of operating the legal aid fund in the 12 months was \$7,078,000. At the close of the period there were accounts receivable from clients in the amount of almost \$1 million—\$923,566—and amounts receivable on judgements and awarded costs of \$263,000. Which, taken all together, exceeds of course \$1 million of outstanding accounts at that particular time in the fund.

There has been a tightening up not only in the way of people obtaining legal aid at the initiation because they may have other members of the family—or put it this way; that what they are seeking to do in the administration of the fund is by and large to bring about some similarity to the condition that existed prior to the coming in of legal aid. In other words, if a person could pay for legal aid, either personally or through close members of the family or in any other way, by borrowing money or any provision from outside, then that person of course is obliged to pay.

Similarly, under legal aid, they are seeking to extend the area of coverage whereby the wherewithal can be obtained to fight an

action either criminally or civilly, if aid can be gained from any other source. I suppose The Department of Social and Family Services is particularly anxious to bring that particular pressure to bear. And if it cuts back, although it does not show any great likelihood or actual incidence of having cut back on that, then all to the good.

But these very large sums continue to remain outstanding, and I wish during the course of his reply that the Attorney General would address himself to that particular area. I know they have moved into it, tightened up the procedures, made it more mandatory to record it. I wanted to know whether they do use the perhaps more punitive weapons of the ordinary civil litigation, namely, garnishee proceedings—garnisheeing personal property or moving in on wages—or just how they proceed in this particular area.

Another area of the plan that I have received some complaints about is the difficulty encountered by domiciled Ontarians outside Ontario, running into trouble, say, with the police in British Columbia, getting adequate legal aid. Apparently that aid is not easily extended; on the contrary it is very difficult to get. You have to have the director himself agree that Ontario citizens in trouble elsewhere are not immediately and obviously eligible for legal aid in other parts of the world or even of this country. That could work a hardship in many cases, while we are fairly open with respect to people from other jurisdictions obtaining legal aid in this province. Should they be caught on either civil or criminal matters while here we permit it, and apparently without the same obstacles and difficulties in getting it. That would be another point in which I think the scheme might be rectified.

Hon. A. A. Wishart (Minister of Justice and Attorney General): Is the hon. member suggesting that we should broaden the plan of legal aid to persons outside of Ontario?

Mr. Lawlor: No, I am not suggesting that; I think that is not too bad. The figures on it are that of 301 criminal matters you only refused 41; and of the 71 civil ones you did refuse quite a few, you refused 58. I am not suggesting, particularly in civil matters, that people not be covered simply because they are not residents of Ontario. But I am for the opposite coin; that is for people who are citizens and taxpayers in Ontario, finding themselves in, say, criminal difficulties in another part of the world or another province and not having adequate funds at that time being given adequate coverage. It goes right

up to the top of the tree; you have to get the director's approval to obtain legal aid in those circumstances.

Mr. Bullbrook: I wonder if I may interrupt a minute?

Mr. Lawlor: Sure.

Mr. Bullbrook: I think that in our particular system of justice in this province, we convey to everyone brought before our courts that they are entitled to defence counsel if they are in circumstances that deprive them of such.

Mr. J. R. Breithaupt (Kitchener): As our citizens are!

Mr. Bullbrook: Yes, as our citizens are.

Mr. Lawlor: Yes, but I think you will agree with me that if you should happen to be caught up in motor manslaughter or dangerous driving in some other province, and you were not in a condition, you did not have the money, in the same situation as if you were in Ontario—

Mr. Bullbrook: It is the other side of the coin.

Mr. Lawlor: Yes.

Mr. Bullbrook: I do not think it is as strong in its validity from the argumentative point of view as it is that our courts have an obligation, the whole system of justice here carried on has an obligation. Although, frankly, I have not given much consideration to—

Mr. Lawlor: In the overall operation of the courts anywhere, certainly in the English-speaking world, the same equitable considerations, I suggest, should obtain. What difference does it make geographically where you end up in jail? If you have not got the way to get out of it, and have not got adequate defence counsel—if you happen to be in Gambia—I see no reason why you should not be given consideration.

Mr. Bullbrook: You are giving an example that might be reducing it to the absurd. One wonders whether the public purse should be used, for example, to assist a man similar to Rivard down in Texas during his problems there.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, on this very point, what does happen—and I know instances where Canadians in Mexico have been handled pretty roughly simply because they have been in a relatively small

motor accident. There is very little recourse for people in Mexico; that is something we should give some thought to.

Hon. Mr. Wishart: I think the trouble is—if I may interject here—in those situations I think the point that the member for Samia makes has some validity here.

Our system is designed to give assistance here before our courts, with members of our own legal profession, judges and court officials generally. I do not know whether paying a Mexican lawyer, for instance, would help any. He is not bound by our tariff. I doubt if the court would give any better treatment, or if this person would be any better off.

If it was simply the matter that he did not have any money to engage counsel, there might be a question there as to whether we should extend the system—just the financial area of it. But merely to extend the finances to some person who is going to act on his behalf and is not going to give him much assistance, probably would not cure it.

Mr. Breithaupt: Mr. Attorney General, it might even do worse than that. It may set up in the average citizen's mind a thought that he is able to obtain far more protection than could be reasonably given to him.

Hon. Mr. Wishart: Right!

Mr. Breithaupt: This would be an unfortunate step as well.

Hon. Mr. Wishart: It is difficult. It is not as easy as to make it comparable to the health service, for instance, or hospital coverage. There things are a little more definite; we do assist in that area.

I think this is quite difficult. There is no review; there is no coming before our legal aid director establishing his need. And I say, even if you give him money, I think you might just aggravate a situation that is—

Mr. G. Ben (Humber): Excuse me. On that same point, Mr. Attorney General: What is a person who cannot afford to pay a lawyer doing in Mexico or British Columbia? Either he is there on business, and then he has ample funds, or he is a youngster who is a nomad and has no fixed place of abode anyway, and how can you—

Mr. Trotter: They may be students travelling.

Mr. Ben: This is what the figures read by Mr. Lawlor have already established. The majority of the people under those circumstances, who have been able to establish an

actual domicile or fixed residence in Ontario, have been given assistance.

Hon. Mr. Wishart: Yes, we designed this plan to give our citizens in Ontario counsel in our courts so they would be defended.

Perhaps this is worth pursuing. I think it poses very considerable problems for us if we were to contemplate going to the extent that you apparently suggest; but we could certainly consider it.

Mr. Chairman: Has the member for Lakeshore finished?

Mr. Lawlor: No, no. By no means!

Mr. Chairman: Then I would like to return to this, and the member for Lakeshore has the floor.

Mr. Lawlor: I will just comment wryly, and perhaps a little whimsically, but if the Attorney General is a man given to reading the novels of Graham Greene, he will know that all expatriates of any particular region or country are always down and out on foreign soils. In these circumstances there is no reason why the legal aid director should be the one that has to give final and plenary approval to this particular matter.

However, it is a relatively minor point. I do not know how many cases of this kind actually have come before the committee. There is nothing in the records touching it. It just came to my attention through a telephone call. Somebody from Ontario had taken some umbrage at the fact that he could not get coverage in a trial in another jurisdiction.

Hon. Mr. Wishart: Did he return to Ontario and approach the legal aid director, I wonder.

Mr. Lawlor: Yes.

Hon. Mr. Wishart: Did he give you that information?

Mr. Lawlor: Yes, he apparently applied to the legal aid director from where he was and he said no, that coverage was not available, as I understand.

Hon. Mr. Wishart: If it is something I can look at—

Mr. Lawlor: I think we could bring the matter before you in a more intimate way. Last year, the first full year of legal aid, is it not true there were 67,204 people who were assisted by duty counsel? That has risen phenomenally; it is up to 79,583, of which 65,000 are people who were assisted

in the way of criminal matters. So that the climb in that particular area continues to expand. I am sure if we had the figures thus far this year we would see that this is an ongoing process.

I am a little concerned about the reasons for the disapproval of people, and the fact that in the report of the Law Society of Upper Canada, where most statistics are given, so far as I can tell—I suppose you could work them out—but why is it that they are not clear on this point?

For instance, at page 16 of the 1969 report they give the number of applications and they give the certificates issued with the legal aid. But there is no breakdown on figures, either by area or in gross, as to the reasons why applications are refused, or the number that are actually refused.

I understand that 90 per cent of applications are accepted, but I think that is a question of word of mouth rather than anything very definite. I think it should be set out in the report, appendix c or wherever it is proper—and I think appendix c is the place—as to the number of applications refused for legal aid. And something in the report ought to be said as to the reasons for the refusal; and even that should be broken down to the various categories of reasons.

If people are being denied legal aid, who in our opinion let us say ought not to be, then perhaps it is operating too rigorously in some areas. That too ought to be a matter for perusal by this Legislature. In this very way, may I say that I give the highest applause to the law society in the area of seeking to encompass those people who have the very gravest need for legal aid and who are the ones least serviced, at least up to this time.

The Attorney General, Mr. Chairman, no doubt has seen an article contained in the *Law Society Gazette* of December, 1969. I have the full text of the article printed in the *McGill Law Journal*. The area of question that I want to mention at the moment, is that section having to do with legal aid and the chronic poor. As people in this body may know, the law society has decided, in accordance with what is learned from the United States. I think largely in the experience of young lawyers particularly, going into the ghettos of the United States seeking out those to whom legal aid ought to be legitimately extended. Great social consciousness and great social service is being performed by the legal profession, for the first time in their history in this particular regard, as we have become fully aware.

That same phenomenon has attracted the attention of our law society, some of whom intend, apparently, to set up offices or out-lets at various courts at, say, Metropolitan Toronto in the areas that are more depressed, to service, to go to the poor to extend to them and make them aware of this service. I think it is Mr. Morowitz who wrote this article—I might be wrong—he says here:

The poor are different. They are different in their feelings, their attitudes and emotions. Above all else, an intense attitude of fatalism and pessimism permeates every aspect of their lives. Their lack of initiative to improve their position is characteristically marked by an attitude of "what is the use?" installed by a succession of personal failures.

There is a similar reaction on the part of the poor in the suggestion that there are legal remedies which could assist them.

In the words of Senator Kennedy: "The poor man looks upon the law as an enemy. For him, the law is always taking something away."

How true. And—

Hon. Mr. Wishart: That is not true really. Under legal aid, surely you—

Mr. Lawlor: Oh no, this is the one way we can rectify the thing. The whole purport and thrust of this article is directed to say that. For the first time the poor will find that the law and the legal aid and the lawyers can be a friend and can act in a way to alleviate the innumerable ills and it would step into the division court; particularly into the division court, which has been usurped by the collecting agencies, small claims courts, informal procedures where things can be moved ahead very quickly. It was designed at its initiation precisely to service the poor and is not used up to this time by the poor, but as I say by the wealthy in order to afflict the poor.

I had some words to say last year about the operation of our division courts. They still stand, but let us stick to the point today.

He goes into the utilization of the division courts in this article as to what role and function ought to be performed. He says, quoting admittedly from another jurisdiction and I see no harm in it—Justice J. Skelly Wright, a judge of the United States Court of Appeals for the District of Columbia circuit writing about small claims courts in the United States says:

Those who study them will observe that they are primarily used, not by the poor,

but by the business organizations seeking to collect debts.

I will not read the whole thing, it goes down and says:

Why has the initial purposes of these courts been subverted? Primarily because the business concerns are aware of their rights and the poor are not.

Consequently, the poor are usually the defendants rather than the plaintiffs in small claims courts. The poor lack the security and the capacity to assert their rights, even when they recognize the right.

It goes on in that vein. He also quotes from the Rt. Hon. Edward Heath speaking of the legal aid plan. I suppose that is the same Edward Heath who will be going down to ignominious defeat in the next 48 hours.

But whether or not that is the case, he was showing a good deal of insight. As a matter of fact, he quotes the famous statement from Anatole France:

The law in all its majestic equality, forbids the rich as well as the poor to sleep under bridges on rainy nights, but to beg on the streets and steal bread.

The weight of the article is on the direction which the law society has taken in this province in order to go to the poor, to those who feel disinherited—those who are not in—to make them feel themselves part of this society and to extend our hand to those individuals from the weight of civil and particularly small claims court litigation, in the way of making them aware of their rights and how they can stand up against the financing and collection agencies and all those who make their lives a total misery. It is an extremely good thing and the newest development in legal aid in the past year.

A good deal of talk about the chronic poor is contained in the annual report of the advisory committee on legal aid submitted at the end of March—concerned with the March-ended year of 1969 and submitted to the Attorney General.

Pages three and four are particularly directed to this breakthrough in the operation of the legal aid system. I think this deserves to be mentioned and the whole cause forwarded and that no relaxation, no holding back in this particular area ought to be permitted to take place.

Every encouragement should be given by the Attorney General to those lawyers who are prepared to go into the districts of Ontario which are depressed, and into areas of the city where they live in enclaves—little known

by the rest of the citizens; by those who are better off; ignored and disregarded—and to give legal aid.

That is precisely what it was designed to do and it should become a reality. I applaud it, and I wait upon it and we will watch closely to see just how it works out.

About half the lawyers of Ontario are presently enrolled in one way or another in the legal aid scheme. In Great Britain it is three-quarters. Other jurisdictions would have it maybe even higher.

I am not altogether content with that. I do not know, since it is a voluntary scheme, what to do particularly to increase the number. I notice that the Attorney General and the law society, in order to make sure that the scheme is going to be fully functioning, have extended—and I think this deserves an accolade too, but I hope it is not to make up for any deficiencies in the older members—the area of those who may act in legal aid to the students.

First of all, to those who write the bar admission course under the general supervision of senior counsel. And those in the law school, I believe after the second year, are being brought into the scheme.

They can be valuable and operative. Encouraged by the deans of the law schools who have met on two or three occasions in the last year to deeply involve the students, the new generation coming out will give their full life and be fully aware of all the benefits that can flow from the legal aid area.

I still feel that maybe it is not necessary now. Maybe you have a full roster in some areas of the province. I suspect, as we heard the other day, that perhaps it is not as easy as all that to attract personnel to assist in the legal aid scheme.

One can well recognize that there are areas of law and lawyers who would not be caught up and could not be perforce caught up in legal aid. I am thinking of various governmental lawyers, who are members of the society of course.

Corporation lawyers would have very little role, I suspect on the whole, in setting up limited companies for legal aid clients. So there are some areas—and this includes all the areas where the greatest lucrative functioning of the law exists; in estate work for instance.

But by and large, that move, made on the basis of some submissions I believe from this committee, encouraging and permitting young people to come into the scheme is altogether commendable, too.

The reports that one gets, both from grand juries and again from the advisory committee, about looking over the situation of recidivism—people committing the same kind of crime, not just committing crime but committing the same sort of crime over and over again and getting legal aid—it seems to me that while apparently it was debated with some heat, the conclusion that they reached was that the mere fact that a man is before the courts on the 16th offence of burglary or breaking and entering is no reason in the world why he ought not on that 16th occasion to be given legal aid.

I do not know how much pressure has been put on the Attorney General to have a cut-off point somewhere where people are simply abusing legal aid by utilizing it over and over again and showing no tendencies to reformation.

At the same time, under our system I think we have to bear with this sort of attrition.

It is in a way regrettable, admittedly, but the 16th case may be the only time he had a defence. Maybe he has become marked by the police as likely to do it and on fairly flimsy evidence was being prosecuted.

Then it is pointed out that in terms of public relations if you are going to rehabilitate these people, in the past part of their grievance against society lay in the courts themselves.

If it is felt, I suppose, that lawyers do take enough interest in their cases and in their lives to represent them in court, period, without asking for more, in those circumstances then, I suppose it is a step in the direction of saying: "Well, somebody cares."

It is possible that if this permeates that level of society, that subculture of the criminal mind, they will then at least give a bit of recognition that we are not completely obtuse and we are not completely calloused with respect to their present condition, or to their future stance in this society.

I would like to know whether any studies are being made in this direction at all to find out whether legal aid does have the ameliorative social impact that I am speaking of. I suspect it would be largely, in your department and there is no reason why some studies could not be launched in this area to see what the social impact aid in these terms—

Hon. Mr. Wishart: May I just interject here because I may overlook it when I reply? That is one of the things we discussed the other day, here in committee. The centre of criminology is doing that study on the social

impact of legal aid. One of those studies is going on now.

Mr. Lawlor: I want to correct one thing, Mr. Chairman. It is John D. Honsberger's article that I am referring to throughout here. I will not prolong this unduly.

I would like to know whether there has been any particular kick from the profession about the issue in limited certificates? Secondly, about the business of being restricted to 75 cases in criminal matters: whether any lawyers feel they can handle a good many more and feel in effect they are being cut back unnecessarily when they could perform a very beneficial function by being permitted to take more cases than what they are being restricted to?

Finally—at least for the time being—I wonder why it is that the advisory committee is the one that is conducting an independent limited-scale cost-benefit study of the whole plan? Would they necessarily be the best group, already deeply involved in legal aid and not particularly expert in the area of accounting practices and that sort of thing, to have taken it into their own house to conduct this cost-benefit study? Should that not be an independent and objective cost-benefit study done by those people in the actuarial field or the business management field, outside those who are directly and immediately involved in legal aid? Should not some thought, at least, be given in that direction to that form of analysis now that the scheme is well launched?

Those, Mr. Chairman, as I say, are my remarks for the time being on legal aid.

Mr. Chairman: Are there any other members of the committee who want to address themselves to the matter of a legal aid plan before I ask the minister to reply? There being none then, Mr. Minister.

Mr. E. Sargent (Grey-Bruce): I would like to ask—

Mr. Chairman: Well just a moment now. We do have to get through these things, and the member for Grey South, is it—

Mr. Sargent: What is your name?

Mr. Chairman: Grey-Bruce—is not a member of the committee nor is he a substitute for a member of the committee. I do feel we have to limit our debate here today to those who are members of this committee or substitutes on this committee—

Mr. Sargent: Is this not the estimates committee?

Mr. Chairman: And consequently, although I would like to hear from the member for Grey-Bruce, the fact is he is not a substitute here today.

Mr. Sargent: I am sorry. I thought you were doing the estimates.

Mr. Chairman: Consequently I cannot, I am afraid, permit him to speak. Mr. Minister, you have the floor.

Hon. Mr. Wishart: I always feel badly when a member has something to offer, even in the way of a question—perhaps he could have had an opportunity, Mr. Chairman, to offer it through some member of the committee.

Interjections by hon. members.

Mr. Sargent: That is a tough chairman you have got. I do not want to vote anyway.

Mr. Chairman: That is correct. You do not have a vote.

Mr. Sargent: What happened, Mr. Minister, regarding the case—

Mr. Chairman: Just a moment now. I have made a ruling here and I am going to have to enforce this ruling.

Mr. Sargent: You mean a member of this House cannot speak in these estimates?

Mr. Chairman: Not in this committee unless he is a member or a substitute in this committee.

Mr. Sargent: I am a substitute then.

Mr. Chairman: You are not a substitute here.

Mr. Trotter: Mr. Chairman, on a point of order. He is not allowed to vote but a member of the Legislature is permitted to speak.

Mr. Breithaupt: This was my understanding too.

Mr. Trotter: Yes, he is not allowed to vote but he is permitted to speak and ask questions.

Mr. Lawlor: Mr. Chairman, if I may intervene—you know how loathe I am—on behalf of this member, surely as a member of the House he has a right to speak.

Mr. Sargent: As a guy, I think you are great, Pat.

Mr. Lawlor: Right!

Mr. Chairman: If it is the will of the committee I certainly am prepared to be sufficiently flexible to allow members of the House to speak if they wish, but we cannot allow the deliberations of this committee to be delayed interminably by all of those who wish to speak coming in and out when they are not substitutes or actual members.

In the circumstances, if the member for Grey-Bruce has a question and would like to raise the question with us, as I said I personally would like to hear from him. If the committee wishes that, I am certainly prepared to bend to that extent.

Mr. L. M. Reilly (Eglinton): Speaking on that same point, I would not want any member of this Legislature to feel that he does not have the right to come and ask questions of a minister or of the chairman in committee and of a committee of this nature.

I personally have been attending committees where I have not been a member but I have been allowed to ask questions and to participate, and I felt that as a member of the Legislature, I should be. Under the circumstances I see no reason why a member, unless you rule otherwise, should not be permitted to ask a question or get some information at this time.

Mr. Chairman: As I say, I am inclined to favour that position myself, but I also recognize that we are still on vote 904. We have another 10 votes to go after this one and we are limited in the amount of time available to us.

We have not spent an inordinate length of time on this subject of legal aid and consequently, with the approval of the committee, I will relax that ruling and allow the member for Grey-Bruce to address a question to the minister.

Mr. Sargent: Thank you, Mr. Chairman, you are very kind.

The minister will recall a letter I wrote him about a case—Mr. Smith in Tobermory—who had a snowmobile contravene the snowmobile law on the highways. He was fined \$53 and he did not have \$53. The police walked into his house on a Saturday night and seized him, made him get dressed; he was playing checkers with his two girls. He is a devout churchman, this man; they seized

him and drove him to Walkerton on a Saturday night and locked him up in the jail.

This is on legal aid, yes.

Locked him up in jail. He could not phone his wife in Tobermory; could not phone anybody; was not allowed to phone at all.

I wrote the minister about this. I know you must get a lot of letters, Mr. Minister, but you never acknowledged my letter at all. What should we do about it? I wanted a public apology from you that this thing could happen regardless—

Mr. Reilly: Was this man entitled to legal aid?

Mr. Sargent: I do not know. That is what I am trying to find out.

Interjection by an hon. member.

Mr. Sargent: Pardon me. Someone on the police said because of the nature of the thing that he was not allowed legal aid—

Mr. Reilly: If he can afford a snowmobile he can afford to pay legal fees.

Mr. Sargent: No. He did not own a snowmobile. He was driving one.

He was held in jail and his wife went around the neighbourhood. This is in the wintertime when people in Tobermory have the lowest economy of our province. He was held in jail and his wife went around on Sunday night and raised \$53 in the town of Tobermory. She drove the 100 miles to Walkerton, to our county seat, and he was allowed to be released.

But at no time was he allowed—he was told by the legal aid people that he did not rate legal aid because of the nature of the charge.

Hon. Mr. Wishart: Mr. Chairman, I do recall the case. I recall the hon. member bringing it to my attention. I am surprised that he says he did not get an acknowledgment because I know the case was investigated. I know I directed it be investigated and I thought he got an acknowledgment that it was being investigated. The investigation was on the facts as he stated them. I have not got the file. The situation here was that the case had been dealt with by the court; there was a fine, it was a question of paying a fine. Legal aid is not designed to pay people's fines.

Mr. Sargent: I know that.

Hon. Mr. Wishart: You see, it had gone beyond the area of getting him counsel or giving him advice or defending him on a

charge, so it was not in the area of legal aid at all. Once the court has said you must pay a fine of so many dollars or so many days, there is really no area for legal aid to get into this.

Mr. Sargent: You put the whole arm of the law to put them in jail but there is no one there to help them stay out of jail. That is what we are paying \$8 million for in this vote.

Hon. Mr. Wishart: No, this vote does not touch that. If we were to extend legal aid to assisting people to pay fines—

Mr. Sargent: I do not mean that, sir.

Hon. Mr. Wishart: That is the only way you could do it.

Mr. Sargent: There was no one there to help him stay out of jail.

Hon. Mr. Wishart: He did not ask, apparently, for legal aid before he went to court.

Mr. Sargent: He did ask for legal aid; that is the point.

Hon. Mr. Wishart: Before he went to court?

Mr. Sargent: Before he went to jail.

Hon. Mr. Wishart: The area director, the people who have charge of the legal aid, would probably look at his financial situation. It is apparent that he had at least been able to purchase a snowmobile—

Mr. Sargent: He was not given time to pay the fine when they clapped him in jail.

Hon. Mr. Wishart: The hon. member has raised this question before, Mr. Chairman, in the House at about that time. Again, the courts have the power to afford time for payment of a monetary penalty. They may put it on a basis of weeks or days or months to pay. Again, that becomes a matter of the court's decision; had he had counsel and had indicated that he could not pay at once, I am quite sure the court would have given him some consideration.

That case was investigated. I will check my files again, because I know it was followed up.

Mr. Chairman, following on the quite expansive comments of the member for Lakeshore, I have made some notes but I do not think I can touch them all. Maybe he did not expect me to be quite as prolix as he was.

An hon. member: It was illegal.

Mr. Lawlor: If I may so so, the prolixity last week was rampant on all sides. Suddenly it seems that the guillotine has fallen.

Hon. Mr. Wishart: I would like to make just a couple of comments, a sort of a history of legal aid. It was only operated for part of the year 1967-1968, so those figures are not really much help in a comparison of costs. At that point, I would like to say that when legal aid came in there were great areas of the province—in fact, most areas, I think, particularly outside Metropolitan Toronto—where there was a voluntary system of legal aid carried on by the profession. I think this was generally, and much to the credit of the profession, if I may say so, carried on without any compensation to the profession in assisting people.

Interjection by an hon. member.

Hon. Mr. Wishart: Well there were many persons who said at the time that if it were not for the large urban centres—and they mentioned one particularly—there probably would not be too much demand for legal aid. I think it is only fair and proper—and we have debated this—that if it was to be done it should be done across the province on the same basis.

There were estimates at the time that we brought it in that it would cost as much as \$20 or \$25 million, and I remember those figures were bandied about.

Mr. Chairman: Annually?

Hon. Mr. Wishart: Yes, annually. Of course, as you see, it cost \$7,400,000 in 1969-1970. We are asking this year for \$8,160,000, that is some \$800,000 more, largely because of the increase in cases in court, the increase of our population, the increase of activities generally.

I think that legal aid is well administered, and I think the participation of the profession is first rate. If we err in the way of dispensing legal aid or allowing legal aid, it is on the side of generosity, not on the side of retention or withholding of legal aid.

I think the profession has been concerned that legal aid become not what we might call legal care; that a person is entitled to that care in the sense that they can get help; that they try to retain the solicitor-client relationship which is important, I think, in the system.

To answer another question, I have not had any complaints on the partial certificates

where the client is asked to pay a certain portion of the account. We have had difficulty in collecting those accounts, or some of them. Our collection has not been as good as we would wish, and the amendments which are before the House now are designed to, in a large part, at least by the filing of a lien, to improve that situation.

Mr. Lawlor: May I interrupt the Attorney General at this point? Have you had any complaints from members of the bar in criminal matters, who, with a limited certificate as I understand it, having gone through the preliminary inquiry and elected trial, say by judge and jury, a further approval has to be given to permit that next step.

Do not lawyers take some objection to that, saying that surely it is within our discretion, if we are qualified people to handle these cases at all, as to which court we are going to and at what level we are going to argue the case. If we think we have to go to a higher court, surely we must not be second guessed on the matter.

Hon. Mr. Wishart: No Mr. Chairman, to answer that, there were no complaints to the department.

Mr. Lawlor: No complaints?

Hon. Mr. Wishart: No complaints to the department as such. I think there have been individual complaints to the director of legal aid occasionally. There was a situation where a certificate would be granted and a case would be taken for preliminary inquiry and a plea for trial before a lower court. Then we found, I think, what we looked upon with some suspicion—a great many re-elections and changes of plea up to the higher court with judge and jury, and we felt that perhaps the profession was not altogether blameless in that situation.

It became necessary to bring these people back and to examine the situation to see why these changes of elections were taking place and to keep a watchful eye on that area of expense.

I think the amendments we have in the House now will improve our collection, and I think the advisory committee, the report you refer to which was very thoroughly done, I believe, has been a very great help to the administration of legal aid.

You asked about their study. They are really quite objective and very knowledgeable, and they spend a good deal of time. I do

not think we really can compensate them for the advice and effort they put into it.

Mr. Lawlor: You mean for a cost benefit study, Mr. Attorney General?

Hon. Mr. Wishart: Well, they are very interested in this and they are doing it, I think, in a very good way. We will see in the next report.

Mr. Lawlor: We will see, all right. I will not push it.

Hon. Mr. Wishart: As to the recidivist, we debated that in the House at the time the bill was being considered, and it was the general opinion of the House, I think almost without exception, that we had to go at least a very considerable distance in looking after the person charged with a criminal act who appeared before the court time after time.

Now I think perhaps there may come a point where we are going to have to say to an habitual offender: "When you are back so many times you forfeit some of your rights. You are put away for—"

Mr. Trotter: Where would you draw the line?

Hon. Mr. Wishart: Well, I do not know, but with the habitual offender you say: "You forfeit rights, you are put away for a period of time, you just do not get a chance to come back before the court and harm society and be a charge on society for at least a considerable period of time."

I think that principle may have to apply to legal aid some day.

Mr. Reilly: At the present time, Mr. Attorney General, there is no limit. Is that right?

Hon. Mr. Wishart: As the member for Lakeshore says there is no limit. You can come back 16 times. You can be out today and back tomorrow for the same type of criminal offence, and you are defended under legal aid.

Mr. Chairman: Any further discussion on the subject matter?

Hon. Mr. Wishart: I would just like to say one word further, Mr. Chairman. On divorce—I have not the costs of all the types of cases—but on divorce cases in legal aid the average cost was \$465. I do not think that compares badly—is that the full 100 per cent or is that what we paid?

Mr. A. R. Dick (Deputy Minister of Justice and Attorney General): That is the average cost.

Hon. Mr. Wishart: That is the average cost. That does not compare badly with what the divorce fee is for cases carried on outside legal aid. I do not know whether divorce should cost that much or not, but I know from many years back I can remember the figure of \$500 was acceptable 10 or 15 years ago.

Mr. Lawlor: Pretty normal! That is because the supreme court allowed it, Mr. Attorney General. If it was removed into any number of other courts—

Hon. Mr. Wishart: Well this is one thing that I would hope might happen, but I am almost afraid to mention bringing any legislation forward after the questions and the going-over I receive sometimes if I mention my plans before I get to cabinet or the House; but this is, of course, a committee of the House.

Mr. Lawlor: No one ever takes exception to you on that.

Mr. Chairman: The member for Thunder Bay caught my eye a while back. Are you finished with those questions?

Hon. Mr. Wishart: Yes I think so Mr. Chairman.

Mr. Chairman: The member for Thunder Bay has a question on the matter of legal aid?

Mr. J. E. Stokes (Thunder Bay): It relates to legal aid, Mr. Chairman, but more specifically to the provincial courts. I was in here for two sittings last week and circumstances did not permit me to get on, and just as I came to be heard I was called to a phone so I could not get in.

Mr. Chairman: Well I am sorry. We have completed the matter of provincial courts, but if you can confine your comments to those within the legal aid plan then certainly you are in order and we are quite happy to hear you.

Mr. Stokes: The Attorney General is well aware of the problems that are facing people in Northern Ontario in the riding of Thunder Bay, an area of 150,000 square miles. We do not have one lawyer. This was brought to the Attorney General's attention in a brief presented to the Ontario government a short while ago by the chamber of commerce at

Geraldton. They asked for the Attorney General's comments and their opinion was relayed to the Minister of Mines (Mr. A. F. Lawrence). The Attorney General is well aware of the problem, so he says; but the whole problem of the administration of justice is in question in northwestern Ontario because of the sparse population, because of the great distance the judges and the duty counsel has to travel. I am wondering if the Attorney General would care to comment on that as it relates to legal aid and the accessibility of such assistance to the people who live great distances from large centres of population that attract the necessary kind of assistance under the legal aid programme.

I have attended court on many occasions in the north trying to become more familiar with the administration of justice and just how the legal aid plan assists people in such circumstances. On one case I travelled 102 miles to sit in and listen so I would become more familiar, and the court was cancelled on that day because it happened to be 66 degrees below zero. Everybody was there except the officers of the court and the duty counsellor, who I presume would have acted and provided legal aid had he been able to get there. Obviously the court was not held.

I am just trying to impress upon the Minister of Justice the necessity of reviewing the whole question of the administration of justice in the north and just how, sometimes, it is necessary to remand cases in one court.

In one visit I made to court the case was remanded 14 times for any number of reasons. I am wondering if the Attorney General would care to comment on any ideas he might have with regard to a better way of administering justice and providing legal aid to these people.

Hon. Mr. Wishart: Yes, Mr. Chairman. The brief to which the member refers of course came in only about two or three weeks ago, marked to my attention. I think I recall about two weeks ago pointing out the great, vast distances that are necessary to bring justice to the people and that there are no courts as such, provincial judges courts, outside the main centres.

I read that brief and I referred it to my people, particularly the director of public prosecutions. I discussed it with him and the deputy and other persons in the department. We are looking at the possibility of establishing additional courts in such places as Geraldton, Beardmore, I think Jellicoe perhaps—

Mr. Stokes: Longlac!

Hon. Mr. Wishart: Yes, Longlac! This poses some difficulties. I think it is either a case of establishing a court there—but then you still have to take the personnel to those courts by some means or other. Perhaps there is some other way. I think perhaps in the north country, where the distances are so great, we will have to find a way of transporting the people to those courts quickly. Legal aid was not mentioned, if I recall, in that brief.

Mr. Lawlor: No, but it is almost impossible for anybody to be aware of what is available in those remote areas where there is not even a lawyer within 200, sometimes 300 miles.

Hon. Mr. Wishart: Yes, there are great, tremendous distances; and no lawyers. It is a problem.

It is something like the medical situation. There are no doctors in certain areas and the need for care is there. We are working on that. I think we will find some way of alleviating it, to a considerable extent anyway.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: One other matter in connection with legal aid, and that has to do with the mention made of the high rate of acquittals.

Last year there were 62 acquittals in respect of 190 cases where the accused elected trial by a higher court, or an acquittal rate of approximately 33 per cent.

Hon. Mr. Wishart: Is that good or bad?

Mr. Lawlor: It goes on and says that the Dominion Bureau of Statistics indicate that the average acquittal rate in respect of charges of indictable offences throughout Canada is approximately 10 per cent over the 10 year period ending in 1966.

Yes, I think it is good, because obviously it would appear, superficially perhaps, that prior to the coming into being of legal aid people were being convicted holus-bolus, at a tremendous clip, who ought not to have been convicted. If a third of the people who have been tried in the higher court are being adjudged not guilty because of the presence of legal aid lawyers, that cannot help but be said to be an advantage over the previous situation that existed to that time.

But I wanted to ask the Attorney General: To what does he attribute the very high acquittal rate?

Hon. Mr. Wishart: I think the main reason is that before legal aid a great many people thought they were guilty and so pleaded.

Mr. Lawlor: As simple as that?

Hon. Mr. Wishart: Yes, they did not have counsel and they thought that they were guilty; or else they thought they were guilty enough not to face the court and take the chance. There were a lot more, I can assure you of this, there were a lot more pleas of guilty before legal aid than after legal aid came in.

Mr. Bullbrook: Was this because they would not be aware, necessarily, of a technical defence?

Hon. Mr. Wishart: Perhaps this is right.

An hon. member: And perhaps they could not afford a lawyer and just pleaded guilty to get it over with.

Hon. Mr. Wishart: This is the reason.

Mr. Bullbrook: One alternative might be that the crown attorneys are not sufficiently advising the police in connection with either the laying of the information or assessing the evidence.

Hon. Mr. Wishart: Well I think, like the member for Lakeshore, that this is a good result. I do not think that great numbers of people should be going to jail, certainly not if they cannot be found guilty after the evidence is in before a court. I think that is a good result.

I think, on your point, if it appeared, as was the experience, that out of 190 charges laid roughly better than a good third of them are being dismissed and the police are unable to bring sufficient evidence forward, eventually this will result in the police being very careful in how they lay the charges, with the crown attorney advising them.

Mr. Bullbrook: Well the record should show that. I had my tongue in my cheek because I wanted to substantiate a position I had taken last week.

Mr. Chairman: The member for Eglinton.

Mr. Reilly: Mr. Chairman, I wonder if the Attorney General could very briefly tell me how I qualify for legal aid? In other words, what is the basis of eligibility?

Mr. Bullbrook: You will never qualify!

Hon. Mr. Wishart: Let us face it, you do not!

Mr. Bullbrook: If you keep up those communion breakfasts you will never have the opportunity.

Hon. Mr. Wishart: He will not need it.

Mr. Lawlor: Thanks for your assurance.

Hon. Mr. Wishart: If you have a civil case, you are sued or you are suing in the civil courts; or if you are charged with an offence in the criminal court; you would make an application for legal aid. This would depend on your ability to engage counsel. If you were able to establish on fairly reasonable ground that you are not able to afford counsel or cannot afford the full fee, you would be either given the right to counsel to be paid out of the legal aid fund, or you might be asked if you were well enough off to pay a part of that.

Mr. Reilly: Is it on the basis of income; or is there a minimum of \$3,000?

Hon. Mr. Wishart: No, income and property.

Mr. Reilly: I beg your pardon.

Hon. Mr. Wishart: Income and property. This assessment is done largely through The Department of Social and Family Services.

Mr. Reilly: But is there not any basic earning power that a man may have or be earning; \$100 a week for, instance?

Hon. Mr. Wishart: No.

Interjections by hon. members.

Hon. Mr. Wishart: It is his ability to pay.

Mr. Chairman: Any further discussion on the legal aid plan?

Mr. Bullbrook: Yes. I would like to make a comment which—

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: —which reiterates somewhat a position that I took two years ago—and with cause I must say, including a significant volume of correspondence response from my own colleagues in the profession in the Sarnia area, with some justification—and that is the getting back to the utilization of the adversary system in the family courts.

I do not intend to dwell on it at length. My position was put forward clearly at that time. But involved with the concept of legal aid and the acquittal rates and the re-

evaluation of the structure of our courts that I am sure is presently being done, and having regard to their jurisdiction, I invite the consideration of the Attorney General in that evaluation and in the involvement of the legal aid plan with it.

Perhaps the time has come to take those problems presently germane to the family courts away from the total court structure. I do not know what the answer is.

I am sorry that I cannot give you an alternative, but we are all so aware of the fact that even the legal aid plan cannot assist so many deserted wives, no matter what legal availability we have for them.

I have before me a letter that I would like very much to read. It is a letter from a lady and it catalogues a set of circumstances that all of us in the practice, and I am sure you in your administration, run into day in and day out. That is the alcoholic husband who will not bear his responsibilities to his family and the continual charade that this lady has to go through on show cause summonses, and she is not getting anywhere.

I sent a copy of this to your judge in the Sarnia area with a most deferential statement because it is the first time I have ever written to a judge and said: "I do not want this, Your Honour, in any way to seem a legislative involvement in the judicial process."

He was kind enough to phone me back and express his appreciation for my having written. I just want to, if I might, after cataloguing this, this lady says:

I considered leaping from the bridge, but being female would probably have changed my mind half way down and ended up frustrated.

I wrote her, Mr. Attorney General and said: "You know, you have maintained a sense of humour in those kind of circumstances."

All I am conveying through these estimates is that when you are re-evaluating the court structure in connection with the total family problem, you might give consideration to the fact that perhaps we do not have to spend money in legal aid in these circumstances. Really, they dovetail nowadays so often with the total concept of social and family assistance that is inherent in the other departments.

Mr. Chairman: Any further discussion on legal aid? Then shall vote 904 carry, gentlemen?

Vote 904 agreed to.

On vote 905:

Mr. Chairman: Vote 905.

Probation services; any discussion?

Vote 905 agreed to.

On vote 906:

Mr. Chairman: Vote 906.

Official guardian and the public trustee services.

The member for Parkdale.

Mr. Trotter: Mr. Chairman, I would just like to make a few remarks in regard to the services of the public trustee. My feeling is that the services of the public trustee are very much outdated and I want to give you a couple of examples where I feel that they do not serve the public.

The one instance is a case where a man is committed to a mental institution and naturally the public trustee takes over. I have known of cases, at least one particular case, where the man has had a young family with about three children as well as the wife, and they have been completely at a loss to know what to do.

My information in this one particular case is that the public trustee literally froze the assets of the individual who was in the mental institution and the children and the wife were at a loss for support. Eventually some was forthcoming, but it was not until the wife had to go to work and they were in pretty dire straits.

Hon. Mr. Wishart: What were the assets? Were they liquid?

Mr. Trotter: One was the house in which they could still live, but the rest of it was the income. Bank account, bonds, anything that was in his name was frozen.

One thing that I think the public trustee should establish, particularly in the Ontario mental hospitals, is some individual who has a liaison with the family of the individual who is a patient in a mental hospital.

For example, suppose a man does suddenly become mentally ill, is taken to a mental hospital and the public trustee steps in; there should be some kind of contact immediately with that man's family. It may not make any difference; it may make a tremendous difference. But from what I can gather there is very little liaison in that situation.

As a second example—I am not using any names but I know of a number of cases in

this regard—suppose an elderly widow becomes mentally ill, goes to the Ontario Hospital and of course the public trustee again takes over the assets of the person who is mentally ill. The family of that person who is mentally ill has very little knowledge of what goes on. I have known of a case where the son—who is actually the only heir and it eventually turned out that he did get what assets the mother did have after she died in hospital—had no knowledge of what was happening. He tried to find out and he eventually did, through me. Mind you, when I contacted officials of the public trustee, they were fine, they were most helpful—but then it was a member of the Legislature calling. I often think of what happens if the member does not call; the family are just at a loss to know what to do.

In the one instance I mentioned, the son had kept up the home which was in the mother's name, wanted to paint it and to do various things which were quite inexpensive, and the rigamarole he had to go through made him pretty disgusted with what he called government red tape. And I realize that by and large the public trustee does a good job in protecting the assets, but at the same time you have to keep in mind the family relationships of the person involved and also bear in mind that those assets in many ways have been used by the rest of the family—like the home or various items like that—and there seems to be no contact whatsoever. In other words, I think the public trustee is operating back in the Victorian age insofar as public relations or assisting people are concerned. In large measure it is a matter of public relations because I have had numerous complaints from families who are concerned as to what is going to happen to them.

For example, say a middle-aged daughter has never married and has lived with her father for many years in the family home. Suddenly he is mentally ill and she really does not know what is going to happen to her. She has not been asked to move, but months go by on end and she is wondering if she is going to be asked to move out because they say: "Why should you live in that house?" Mind you, she has lived in it most of her life. Probably with the number of people that are now mentally ill, the public trustee may not have the staff to cope with it. It may be the policy going back over the years, but I think there is a definite weakness there, just in cases that have been brought personally to my attention. Again I will say that whenever I have contacted the public

trustee the officials have been most polite and—

Mr. Reilly: He does have staff.

Mr. Trotter: Yes, but my concern is that there has been a lot of distress in the meantime until it comes to a member of the Legislature, and it is simply because a member of the Legislature is making inquiries. And in this one case where I knew a family had really been in distress for some considerable length of time. They straightened that out before I heard about it; but at the same time it should not have happened, need not have happened and certainly the husband would not have allowed it to happen had he been mentally able to take care of the situation.

So I feel that the public trustee should have some type of liaison or guidance centre, particularly in our mental hospitals, to check into what are the family relationships of the person involved. And I admit it means possibly hiring people who are in the social work line for the public trustee's office—probably they could work through the official guardian, who I believe has more in the way of social workers. I think something should be done; they need to revamp their policy in that department.

Hon. Mr. Wishart: I acknowledge the comments of the member for Parkdale. I think there is—I am not making light of this—perhaps room for some improvement in public relations or contact or communication in certain cases, but the public trustee's primary function of course is to make sure the estate of the incompetent, which it is at the time, is cared for and is properly administered and that it is not wasted. You cite the case of the son who wanted to paint the house. Now—

Mr. Trotter: He knew in that case the house was being wasted and wanted to do something about it.

Hon. Mr. Wishart: Yes, but the public trustee might very well have had a son of another nature who was looking for an excuse to get some money in his hands, which might not have been spent on the house and spent for some other purpose, for his own purposes. The public trustee has to make certain, especially where other members of the family are involved, that there is a genuine application, that there is a genuine purpose and intent that those funds will be properly spent. So he has to go through some, call it red tape if you like. This becomes necessary. I think perhaps there may be room for improvement in quicker communication, to find out who

has to be cared for when a mental incompetent is put away. I have had one or two cases of this kind come to my own attention directly, from my own area and I have taken them up with the public trustee. I have noted your comments and I shall follow them up.

Mr. Chairman: Any further discussion on vote 906?

Mr. Trotter: Perhaps the deputy may know this. Are there any individuals employed with the public trustee's department who have direct liaison with, say, the Ontario mental hospitals; who do check into these cases and what the background is, and who the family might be?

Mr. Dick: Yes. Mr. Chairman, it was directed to me. We have estate officers, as do trust companies, and these estate officers have estates for which they are responsible; the administration of the estates of the persons who may be in the hospitals and whose estates they are looking after. In doing that they are supposed, in the course of their duties, to have contact with the beneficiaries of the estate. They answer all correspondence, deal with the inquiries and so on, and do everything relative to the administration of that estate. It is on an individual person-to-estate basis.

Mr. Trotter: In so many of these cases that I know of, these people simply have had no contact or made attempts to reach someone who is just not known. They are dealing with a large government agency and they are up against a blank wall.

Mr. Dick: The other way that we have attempted to overcome that is having investigators in the field as well, who are men outside the Toronto office. They go outside. Where specific matters come up relative to a problem in the administration of the estate, such as the sale of an asset for instance, these men go out and carry out an investigation in the field with the people who may be there. They bring that back so that the people in Toronto will be informed about what is going on outside. These investigations vary in extent, but they may run to 150 up to 200 a year in the administration of the estates.

Mr. Trotter: Just one other matter on this vote, Mr. Chairman. I would like to bring myself up to date on what interest is now paid on the money of individuals held by the official guardian or public trustee. I remember at one time, before public accounts, we

gave it an airing and showed that the people only received four per cent. Is this raised now to six per cent?

Hon. Mr. Wishart: Six per cent.

Mr. Trotter: Considering the interest rates, as they have gone in the past year and a half to two years, would not even six per cent be a pretty low return for a person whose assets are held by the public trustee or the official guardian?

Hon. Mr. Wishart: This is reviewed by what we call a financial advisory committee. That is composed of Mr. Ian Macdonald, the deputy Treasurer of Ontario and the deputy Minister of Economics; a member of that committee is Mr. D. P. Holmes who is comptroller of finances, Treasury and Economics, and Mr. Parfitt, who is comptroller of the financial management branch of this Department of Justice. They review that from time to time. I think perhaps I might ask Mr. Parfitt to speak to that. I have mentioned in the House the necessity of having a certain fluidity about these funds, so that they can be paid out from time to time, in perhaps monthly or periodic payments. I suppose a certain portion of the fund is always in trust, and always available, but sometimes it is difficult to make long-term investment. It is—

Mr. Trotter: Is not a good proportion of that money invested in Ontario government bonds?

Hon. Mr. Wishart: Well, I—

Mr. Trotter: Is this not a way for the government to get cheap money from these people who are in mental hospitals? Or when children are the beneficiaries of estates?

Hon. Mr. Wishart: Of course there is the administration of the fund, and all this correspondence we talk about, keeping in touch, the assessment, the field officer making his evaluation. I do not think a government can do this as a charity. There must be some charge—

Mr. Trotter: There is no charity; they have been doing quite well on this over the years. It is only recently, within two years, that it has gone up from four per cent.

Hon. Mr. Wishart: Yes, I realize that it has not gone up so long ago; but a net return of six per cent, in my own opinion, is not a bad return today; a net return.

Mr. Trotter: I still think—

Hon. Mr. Wishart: When you go to a trust company, you might get a larger return on your investment. If you do that in a voluntary way and leave them a sum, generally for a considerable period of time—in fact on a guaranteed certificate I do not know what the minimum is; if you want to get a certain return of, say, 7.5 or eight per cent, you have to agree to leave it in five years. There is no administration. There is nothing more to be done with you for five years, whereas a public trustee has to keep on dealing and dealing and checking and paying as he goes along.

Mr. Reilly: As a matter of fact, some trust companies right now give you lower return for a period of five years than they do for two or three, because the investment is a greater risk.

Hon. Mr. Wishart: I am going to ask Mr. Parfitt to speak to you.

Mr. Chairman: Mr. Crawford?

Hon. Mr. Wishart: Mr. Parfitt.

Mr. Chairman: Mr. Parfitt, excuse me.

Mr. K. H. Parfitt (Comptroller, Financial Management Branch): Yes, Mr. Chairman. I think Mr. Trotter's main point was why the low rate of six per cent? Perhaps I could bring his attention to the fact that as moneys become available for investment by the public trustee, they are invested immediately in issues that are permitted under the statute—under The Public Trustee Act. These are usually long-term issues, Mr. Chairman, usually 20 years, often 25 years. Once these securities are purchased the market value does decline over the years until gradually it climbs up again when we have reached the maturity date. So basically while we are now purchasing with any moneys that become available, securities that pay nine per cent, say, in the past we have purchased securities that pay a low rate of interest like 3–3.5 per cent. Now on the overall average we are trying to pay the maximum amount of money out that is earned by the public trustee.

I think it is fair to say, too, Mr. Chairman, that as far as the patients' estates are concerned, the patients' estates are actually being subsidized by other funds that are invested by the public trustees, as amended by the public trustee. Does that answer—

Mr. Trotter: I was wondering if under the trustee Act you were forced to buy long term investments on which you probably get a less

return? Would it not be wiser to amend the trustee Act?

Mr. Parfitt: Well, sir, it was amended.

Mr. Trotter: I was just thinking; you were saying that under the trustee Act you had to really buy long term investments, is that correct?

Mr. Parfitt: Yes, sir.

Mr. Trotter: So the way today's market is for investments, would it not be wiser to amend the trustee Act to give the public trustee and the official guardian more flexibility in making investments on behalf of the people?

Mr. Parfitt: The Act was amended just recently, sir. It gives the public trustee power to operate in the short term market, which helps considerably.

Mr. Trotter: Yes.

Mr. Chairman: The member for Kitchener.

Mr. Breithaupt: Before leaving that point, would you mind repeating that?

Hon. Mr. Wishart: I can answer that. I brought into the House this session some six to eight weeks ago, an amendment to the trustee Act which enlarged the field of investments. It now enables an investment to be made in shorter term issues or securities which will enable a higher rate of interest to be earned and a turnover on a quicker basis.

Mr. Chairman: The member for Kitchener.

Mr. Breithaupt: Mr. Chairman, I was going to ask a couple of questions with respect to an accounting matter. During one of the meetings of the public accounts committee, the provincial auditor mentioned to us that in the investigation of various revenue accounts that he has been handling and some of which have now been made available to us, he has done certain revenue studies for the official guardian and the public trustee. We asked Mr. Spence at that point how the chain of command had developed from the receipt of his report to an actual dealing with the report.

We have recently looked at The Department of Agriculture and Food and The Department of Public Works, in various revenue reports. Apparently those reports went to the minister, at which time they were then dealt with by the members of his staff; and it would appear that they were dealt with very well in these two departments.

I am wondering what the chain of command would be in developing this same approach within a report given on the revenue functions and the details of revenue in this area. Would the report go to the minister? Would it go to the public trustee or official guardian; or would it come to the deputy minister for a reaction and the resolution of any accounting or other general matters that the provincial auditor might raise?

Hon. Mr. Wishart: The report comes to the minister and a copy to the deputy minister and we examine any recommendations and take such action as we consider proper in the light of—

Mr. Breithaupt: So this happens in the same manner whether the function being investigated is, shall we say, a departmental area or indeed a separate establishment almost, like the official guardian and public trustee is. The reports do come to the minister in any event.

Hon. Mr. Wishart: They come to the minister. I recall certain recommendations with respect to a certain branch of the department that came to the minister to be acted upon.

Mr. Breithaupt: I was interested in finding out the procedure because the committee did not know how the matter was resolved in this circumstance—whether it would be dealt with at a lower level as an internal matter or whether in fact, as with the other provincial auditor's reports, it would go to the minister.

Hon. Mr. Wishart: It comes to the minister, at least in my experience; and I think that is standard. And the minister has the responsibility to see that—

Mr. Breithaupt: I am glad to hear that, Mr. Minister, because I think that is the way it should be.

Mr. Chairman: The member for Downsview.

Mr. V. M. Singer (Downsview): Well Mr. Chairman, there are two particular points I wanted to deal with.

One I have dealt with before, and that relates to expanding the functions of the official guardian and the public trustee so that they can, when the public interest is concerned, intervene on their own initiative in matters where the public interest needs to be protected.

There is one particular incident that I discussed at some great length with Mr. Dick a few years ago, and I think we both came to

the conclusion—although Mr. Dick did try, and I give him full marks—that both the public trustee and the official guardian, really, if they wanted to turn a deaf ear to the deputy's pleas, and they had some kind of statutory authority so to do, they could do it successfully. The particular incident involved an estate—I am not going to mention the name—where in my opinion, and I had been retained in regard to it, the assets were being wasted because of the inability of the persons named as executors to properly carry out that job.

The testator had named two executors. One had become a bankrupt and therefore could not be an executor. The other seemed to spend six months of the year away up in remote northern Ontario and the other six months in Florida. He was not awfully interested, but he would not renounce. And in view of that the whole estate—it was not a sizeable estate, but there were several infants involved, quite young infants—the whole estate just sort of evaporated.

It was unfortunate to my mind that there was not sufficient authority in either The Official Guardians Act or The Public Trustees Act which would direct them on occasions such as this, when the public interest seems to be involved and no one is protecting it, to move in.

As a result of those discussions, I think we got as far in earlier years as to receive the suggestion that these Acts and their powers would be carefully reviewed to see if appropriate amendments could be brought forward or should be brought forward. But I have not seen that kind of an amendment.

It would seem to me that this is something that is very important, that these offices should not be concerned only where there seems to be fees for private litigation or money involved that is going to accrue to the Crown.

I think the Crown has a responsibility, having established public offices of this kind, to instruct those officers, whether by statute or otherwise, that where there is reason to believe that the interests of citizens who cannot otherwise defend themselves are not being properly protected, that it is their duty now to move in.

Mr. Reilly: Mr. Singer, I was under the impression they had the right to move in.

Mr. Singer: No. Under the circumstances that I recited there a few moments ago, both the deputy Attorney General and I ran into a dead end. I say it was not Mr. Dick's fault, because he did try. I saw copies of the cor-

respondence that went backwards and forwards.

We had a couple of reluctant senior officials in those two offices who were living by the letter of the law and they would not budge. They would not budge.

They said, "No, we have no right. The testator did so and so, and it is too bad that the assets of this estate are being dissipated and these youngsters who have no one to protect them are going to be deprived of their money"; and that sort of thing.

That was the end of that, I suppose. I never did find out what eventually happened to the estate. I suppose that very little of the money that accrued in that estate ever really got to the infants who were the real beneficiaries. It was eaten up both by wasting and by certain people grabbing; and this is one of those things that was too bad.

To some extent, Mr. Chairman, it depends on the personality of the official guardian and of the public trustee; and I do not think there is any question about that either. I know just recently in relation to another estate that I have been consulted about, that in correspondence with the public trustee he has indicated a great desire to co-operate and outlined two or three steps he thought I should take before he would become involved. But certainly he has never suggested that he would not become involved.

It would seem to me that it should be much more than a discretion that lies solely in the minds of those officials, and that enough time has elapsed since I raised this question that probably the Attorney General, or his advisors, can say if they intend to do anything about this, and what kind of steps they are likely to take.

Hon. Mr. Wishart: Mr. Chairman, I would say this, that this is the first situation of its kind that the official guardian has had to deal with. I suppose it is also the first affecting the public trustee or what relates to the public trustee. Where a person living has made a will and appointed an executor, it becomes a pretty delicate and a pretty arbitrary thing, if you want to look at it just as legislation. The government says it will appoint an official and give him such power. But if he does not like the way that executor is behaving, he can throw him overboard, dispense with him, and have his appointment taken away, which was made by the person who accumulated that property, the testator. That is his choice.

The courts themselves have always been reluctant to interfere with a deceased's nomination of executor. So when you say, in brief terms, appoint an official of government and give him the power to go to court and say, "I do not like the way that executor is behaving and I want the power to take over." I think you would get a lot of reaction on the other side of the case.

Here is government now interfering with the choice of the testator. It is the opinion of a government official sitting in Toronto, who says, "That is not the way I would do it, so I want the court to dispense with Mr. Jones, the executor, and let me do it." It is a delicate thing to do.

Mr. Singer: I agree, Mr. Chairman, the courts have taken this attitude in the light of the present legislation, as they probably should. But what I have suggested is that you have different legislation which the courts will be forced to act under.

I am not suggesting that a government official be the public trustee, or even that Mr. Wishart, after he retires and takes one of these jobs, be charged with making that decision solely and on his own responsibility. But I am suggesting that where abundant evidence comes to light and it is brought to the attention of one of these persons, that there is a duty to take that kind of evidence before the court and say: "Look here, Mr. Justice so-and-so; this is the situation that presents itself. Here is the evidence, and in our opinion if something is not done, then the assets of this estate are going to be wasted and the persons—in the particular case I make reference to, the persons whom the deceased or the testator had intended to benefit—are never going to get to see any of the money. Unless you, the court, step in and do something and appoint a public official, then these infants, whom the testator intended to benefit, are going to be deprived of those benefits."

Hon. Mr. Wishart: You would leave the decision to the court?

Mr. Singer: Yes. But I would put the initiative by statute in the hands of those two public officials and charge them with that onus. They are not going to do it every time, nor is the court going to agree with them every time. But when there is good evidence brought before them that indicates—

Mr. Reilly: I will give you some support on that, if that helps. There is some merit there.

Mr. Singer: Good! If there is good evidence, then let us have the law read that way so that kind of decision can be made.

Hon. Mr. Wishart: All right. I have noted it, and I will consider it.

Supposing you put the legislation on the books, and the public trustee, whoever he might be, or the official guardian, takes a case to court, arguing that, in his opinion, the executor should be removed and that he should be given the authority. If the court does not agree with him, and the costs of the case are \$2,000, does the estate pay those costs?

Mr. Singer: If the government has seen fit to appoint and have faith in an official guardian and/or a public trustee, who is moving in this instance in the public interest, I see no reason why the costs should not be paid out of the general revenue fund of the province of Ontario. If you have responsible officials who are acting in a responsible manner, then I think the Treasury should be prepared to back them up.

Mr. Chairman: You had a second point you wanted to raise?

Mr. Singer: Yes, Mr. Chairman, I had some representations made to me of an unusual nature recently by a lawyer on behalf of a friend of his. This friend has specialized in an amateur way, in finding missing heirs. If he finds them, they apparently have been delighted on occasion to give him money.

Hon. Mr. Wishart: On a contingency basis?

Mr. Singer: Yes. The fellow who does this is not a lawyer and he does it on a contingency basis.

I can see nothing very wrong with this except that in order to pursue this unusual parttime occupation the gentleman needs to get certain information. From time to time he has asked the public trustee for information and the public trustee says: "It is none of your business." There is a page and a half here that he submitted to me. Perhaps I will just read it:

The public trustee is the administrator of all estates of persons who die intestate and have no known heirs in Ontario. In accordance with The Surrogate Court Act, he applies for letters of administration and files an oath of administrator and an inventory as per exhibits A and B—

and he attaches copies:

—which disclose the names and addresses of relationships of all known heirs and a complete list of all assets and how they are made up.

While all this information about a man's personal status is initially made public prior to the grant, the public trustee states he is unable to reveal any further information about the estate after he has received the grant. He cannot answer even such a simple question as "Has the estate been distributed?" The reason given for this inability to reveal further information is a secrecy oath taken by all public servants.

It is readily admitted the public trustee does his job in trying to locate the next of kin by using the information available to him in the personal belongings of the decedent. There are, however, in the course of each year many cases on which he is not successful or on which apparent heirs have failed to prove their entitlement. The fact that he is not successful does not mean there are no heirs but more likely that they are just more difficult to locate.

The apparent heirs, once located, may fail in their efforts to prove their entitlements simply because of a lack of knowledge of family genealogy and for the lack of funds to employ professional assistance. Since the entire onus of proof is theirs with little or no help being offered by the public trustee, several unsolved and unproven estates have been settled through further diligent investigation in some cases extending over several years.

All of this further investigation, documentation and related expenses and legal fees is carried out at no cost to the public trustee and yet he still refuses to accept this outside professional assistance in spite of the obvious benefit to the heirs. All estates unclaimed for 10 years from the date of death of the decedent are to be paid into the consolidated revenue fund [they are escheated to the Crown] by virtue of section 10 of The Crown Administration of Estates Act.

It appears, however, that these moneys are forfeited to the Crown under section—No, I am sorry. My interpolation was wrong. Let me read that again:

All estates unclaimed for 10 years from the date of death of the decedent are to be paid into the consolidated revenue fund by virtue of Section 10 of The Crown Administration of Estates Act. It appears, however, that these moneys are forfeited to the Crown under section 2 of The

Estates Act and immediately paid back to the public trustee under section 3 of the same Act. Regardless of which way these unclaimed moneys are reported, there must be a detailed list of the estates involved to support the total transfer for audit purposes. This detailed list is the information that is requested be made public.

In other words, Mr. Chairman, what is at stake here is that there are several people who die intestate in Ontario every year. Some effort is made by the public trustee to locate who the heirs are and determine how the estate should be distributed. This gentleman says that many of the estates—and I think there is probably substantial truth in this—the heirs are not located and eventually the money comes back into government hands. On the other hand, there are people somewhere around the world who might be entitled to share the estate and if they make inquiries, the public trustee says no, it is none of his business.

I do not know that any great public good is being served by the public trustee not giving out this information. Perhaps this gentleman does some public good in locating heirs, and if the proper authorities can be satisfied that they are entitled to the moneys then they are going to get them. But why should all this be done in such great secrecy and why should this gentleman not be able to get this kind of information?

Hon. Mr. Wishart: Well, first of all, I want to make one point very clear. When the application for probate or administration—generally administration; this would be his field—all known heirs, wherever they may be in whatever part of the world, their names and the addresses as well as they are known are shown and that is public property.

Mr. Singer: That is right.

Hon. Mr. Wishart: And this gentleman or anyone else engaged in this endeavour can go there and get those names and pursue them to his heart's content. And if he can catch up with any of them and establish where they are, they can come forward and prove their claim; of course, the moneys are theirs to whatever extent they share it.

I think the public trustee's effort is public information; it is available. They can have it.

Mr. Singer: That much?

Hon. Mr. Wishart: That much. Which is all the public trustee starts with. That is what he starts with. So we are not asking them to

do anything more than start at the same starting point.

Mr. Singer: Except, first of all, to find out the estates the public trustee looks after in all of the surrogate court's jurisdictions, involves quite a deal of searching.

You have to go into each separate surrogate court on this, and go through the lists every day and there are hundreds of thousands. If that is his business maybe he should not—

Hon. Mr. Wishart: Yes. The point is there is a public office available to him to search from day to day, or once a year or however often he wants to do it.

If the public trustee has carried on certain efforts I do not know that the government office information should be made available to everyone and not on the request of some heir. Because if he had a request he would not need to start on the public trustee, but on his own initiative could come in and say: "Tell me all that you have got in your files." This seems to me to be going a little bit far.

Everything depends, I think, on the public trustee's attitude and what is in mind. Once you make that channel available, you will have a great many applications by people who are probably completely without right—fictitious claims. He is put to a lot of trouble sending out information to people who probably have no interest and no claim at all.

Mr. Singer: How much money accrued to the Crown, say, in the last calendar year, from this kind of undistributable estate?

Hon. Mr. Wishart: Escheated estates in the year 1969, \$408,712.24.

Mr. Singer: That is a pretty good size sum of money. The government has no right, that money belongs—

Hon. Mr. Wishart: It is the public's not the government's.

Mr. Singer: Well, all right. The public has no right to that. It belongs to somebody.

Interjection by an hon. member.

Hon. Mr. Wishart: It is broad for all of us. Used to good purposes.

Mr. Singer: What effort does the public trustee go to to locate these missing heirs?

Hon. Mr. Wishart: I think he does a good deal in that area. I cannot detail it.

Mr. Dick: Mr. Chairman, if I might comment on the administration aspect. The public

trustee does have the staff of investigators I mentioned before who carry out their investigations in the field in respect of where the person lived and where he worked—anything relevant to that—in their direct efforts to locate him.

They also carry on, of course, a considerable correspondence. They also advertise on many occasions, and in addition to this, of course, they maintain a very close contact with other provinces and other public trustees offices both here and in other countries with respect to people who are engaged in the same type of thing, locating heirs.

I might mention, Mr. Chairman, that this individual—I presume it is the same one—contacted me directly.

Mr. Singer: Yes, there is correspondence here with the public trustee and with your office.

Mr. Dick: And what he had in mind essentially was, I am quite—

Mr. Singer: There is a letter here I have from him in confidence.

Mr. Dick: He was in business, and what he was looking for was that when the public trustee had exhausted all his avenues in the isolation of possible beneficiaries under the estate, we would then, in fact, turn over all the information we had to permit him, from the business point of view, to carry on and pursue the matter of the isolation of the beneficiaries.

The difficulty inherent in that from the public trustee's point, of course, was that the information which we get in our research may often be of a nature that people would not ordinarily give to other people. They are giving it in this case to officials of government and persons who have a responsibility, and they might be somewhat loath to have any information they give disclosed outside the government, to other persons.

It also raises the problem which the minister has mentioned, and it has been a problem in the administration of these estates in the past, of fictitious claimants coming in at a point when they realize that the government has been unable to locate beneficiaries. This of itself indicates that perhaps there is nobody around who is going to say anything if suddenly somebody appears out of nowhere and claims as a beneficiary.

This brings a great many people up, with whom it is sometimes very difficult to deal because there is such a lack of evidence relating to the estate generally. It is for this

reason that a certain amount of reticence has developed around the disclosing of information in the administration of these estates.

The matter, I would not say, is closed. Whether or not there is a modest amount of information that could be made available was something that we discussed with the public trustee, because obviously it is in his interest to get as much assistance as possible. An awful lot of it depends, though, on the persons who seek the information and the purposes for which they are seeking it.

Mr. Singer: Well, I can understand that there would be reluctance to turn over to the public, or to give the public access to the public trustee's file. I can understand that.

But drawing a parallel, I think of the provisions in The Bank Act where there are accounts which appear to be inactive. I think The Bank Act requires that the bank, after 10 years of inactivity in a particular account and before the moneys, either I guess go to the federal government—is that where they eventually go, or do they go to the banks, I do not know.

Mr. J. Renwick (Riverdale): It goes to the bank's general account.

Mr. Singer: Does it?

Mr. J. Renwick: But they advertise.

Mr. Singer: They advertise. And they are compelled to advertise.

Now would it not be reasonable that you set up some kind of a system like this, wherein at intervals, where there is money available for distribution and no one comes forward, and prior to it being escheated to the Crown, that a list be published in the *Ontario Gazette* or in the newspapers after a certain lapse of time, and say: "There are these moneys." You do not need to give out any great amount of information. But I think it would be in the public interest that some kind of step like this be taken.

I am not suggesting that all the files be opened up, but I would think that the particular gentleman who brought this to me has exercised a little imagination. He is not doing anything illegal; he wants a bare minimum of information.

By itself there would not appear to be any great justification for that if it was hurting the public good. But I do not think that this is hurting the public good at all, because these are not public moneys. These are moneys that belong apparently to the untraced heirs of the deceased.

Why should not some final step be taken before that money escheats to the Crown in the form of kind of an open issue being published every year—after what, five years, or some period that is fixed of being unable to locate the people entitled?

Hon. Mr. Wishart: I will take a look at that. I am not disposing of that, I think it is worth looking at. There is quite a difference in a private financial institution, such as a bank, putting that money in the pocket of its shareholders and money coming into a government agency which is the public's and which is being spent for public purposes.

Mr. Singer: Even the public can get money improperly. It is not the public's money.

Hon. Mr. Wishart: No.

Mr. Singer: It is money that belongs to heirs who have not been found, and only as a last resort should it escheat to government.

Hon. Mr. Wishart: We do, you know, pay out a good deal of money under The Escheats Act, under the provisions that allow claims to be made for payment back. Generally they are corporate, when a corporate property is escheated to the Crown. There are many cases that go through the office, quite a number, where they make a claim and—

Mr. Singer: Yes, but we are not talking about a corporate escheat, and this \$400,000 figure of last year—

Hon. Mr. Wishart: That includes the corporate escheats.

Mr. Singer: That includes the corporate escheats?

Hon. Mr. Wishart: Yes.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: I remember a member of this House—I cannot remember his constituency—Osie Villeneuve by name—one time told me in the corridor that under estimates of any department, as far as he could see we dealt with everything but the estimates. You know there is some truth in what the good man said.

I want to turn to the actual figures here. While the public trustee's—

Hon. Mr. Wishart: So far, Mr. Chairman, I have been asked for three figures.

Mr. Lawlor: Yes, we will ask for three more right now.

Interjections by an hon. member.

Mr. Lawlor: Obviously.

Mr. Singer: There are several gold stars waiting for him.

Mr. Lawlor: While the public trustee's expenditures have remained fairly constant, within a few thousand, this year as compared to last year there have been considerable jumps in the official guardian's requests.

I will mention one—travelling expenses have gone from \$4,000 to \$6,000; that may not be too serious. Maintenance, though, has gone from \$81,000 last year to \$203,000 this year. And the third item, the service of children's aid societies, has gone from \$420,000 last year to \$700,000 this year. That is even taking into account, for instance, the city of Barrie, which as I remember last year, got \$176,000. As I look into the public accounts—I got that sum from the year or two before—the latest public accounts indicate in 1969 the city of Barrie is down to \$8,000, while Metropolitan Toronto remains fairly substantially around \$90,000.

Hon. Mr. Wishart: I think we discussed that Barrie figure.

Mr. Lawlor: I do not want to go into that, Mr. Chairman. We did discuss Barrie, but I am simply saying that despite the fact that Barrie has been substantially reduced from \$76,000 to \$8,000, the total figure has gone up almost \$300,000.

Hon. Mr. Wishart: This is divorce—divorce and the reports of children's aid societies in connection with matrimonial causes largely.

Mr. Breithaupt: Might I ask on that one point: With the payment of \$80 that is usually made in a divorce action to get the official guardian's report, are not any of those funds in effect a refund of the payment that results from the increased work?

Hon. Mr. Wishart: How was that. I am sorry, I did not understand the question.

Mr. Chairman: What the member is asking is whether the \$80 paid in for the official guardian's report is more than or is it inadequate to cover the cost of the official guardian relating to that report.

Mr. Breithaupt: One should think that it would be about enough.

Hon. Mr. Wishart: I am told that goes into revenue; it is not reflected.

Mr. Breithaupt: Then the \$80 does not have any relationship to the costs of the increased work?

Hon. Mr. Wishart: Oh yes. It would definitely offset it.

Mr. Breithaupt: Yes, but you are saying in fact that you are attempting to balance as such.

Hon. Mr. Wishart: No.

Mr. Breithaupt: This is a more or less reasonable figure and you presume your costs are about that amount?

Hon. Mr. Wishart: I think this would be fair to say.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Then obviously this is a cost of legal aid, to some substantial extent, which is not reflected in the legal aid as such. It is because of the increased incidence of divorce that these reports have to be forthcoming and it is costing the province another \$700,000, approximately.

Mr. Breithaupt: Except, Mr. Lawlor, that of course this \$80 per case is returned as revenue.

Hon. Mr. Wishart: Comes back in.

Mr. Breithaupt: Yes, comes back in.

Mr. Lawlor: Yes. I have not worked that hard on it. I am looking at this reimbursements of expenditures, and it is reflected in the public accounts.

Mr. Breithaupt: But not here as far as expenditures are concerned for the coming year.

Mr. Lawlor: It would give me great delight on some occasion to see the hon. member acting as the Attorney General and answering the questions.

Hon. Mr. Wishart: He is doing very well.

Mr. Breithaupt: I rather look forward to it some day.

Mr. Chairman: I rather think you will wait a long time.

Mr. Bullbrook: Yes, we have him earmarked for other jobs.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Why the jump over \$100,000 on maintenance?

Mr. Chairman: Would the minister care to answer that?

Hon. Mr. Wishart: That is also related to matrimonial causes, divorce actions and the great increase in the number of cases.

Mr. Lawlor: How does maintenance have relation to that?

Hon. Mr. Wishart: The staff.

Mr. Lawlor: I thought that was putting up bricks and mortar and fibreglass doorways.

Mr. Dick: If I might answer that question on maintenance. For many years a fee has been paid to the legal agent who received the report from the children's aid society worker, and he submitted to us the affidavit and prepared the material for filing with the court. Those fees were increased last year, and the increase has resulted in an overall additional cost of \$110,000 in the provision for the legal agents' fees of the official guardian in preparing the material with the social worker for the submission of the report to court.

Mr. Lawlor: I do not understand that. How does that work? When the report that has to be filed with the court prior to the granting of the divorce for perusal by the judge is obtained from the children's aid society, is that taken before a practising solicitor, who swears the affidavit and a certain fee is levied on that to the official guardians office? What is the fee?

Mr. Dick: The fee was \$5 and it was increased to \$15 for the taking of the affidavit that accompanies the report for filing with the court in the divorce action.

Mr. Lawlor: Why was it increased?

Mr. Dick: Essentially because the agents would not do the work for \$5. There was too much paperwork involved and it was just completely uneconomical for them to be doing this work.

Mr. J. Renwick: Swearing an affidavit?

Mr. Lawlor: Swearing an affidavit?

Mr. Dick: No. It is the preparation of the affidavit and the preparation of material that goes with it.

Mr. Lawlor: Do not the children's aid society people themselves prepare the basic affidavit that they are prepared to swear to?

Hon. Mr. Wishart: He asked do not the children's aid people themselves prepare the report. They do in a large part.

Mr. Dick: Oh, yes, Mr. Chairman, the children's aid society prepares the report, but the solicitor acting as agent prepares the affidavit and swears the affidavit.

Mr. Lawlor: Yes, but does it not simply say "Next hereto as exhibit A to this affidavit is the report of the official guardian or the children's Aid society" in a certain case; and they say "Yes, it is"; and they swear it. Does that take them all—

Mr. Chairman: Gentlemen, it is 6 o'clock. Is there anything further that the member for Lakeshore cares to deal with? We can go on for a minute or so, if he can disclose the point; otherwise I think we should adjourn.

Hon. Mr. Wishart: If I could just have a moment, Mr. Chairman.

Mr. Chairman: Yes, Mr. Minister.

Hon. Mr. Wishart: My recollection is, though I have not done one of these for seven years or thereabouts, that not only does he prepare the affidavit and check it, but he has to see to certain filing and forwarding with some correspondence. The report comes in, but then the agent has the responsibility to see to its filing.

Mr. Singer: In a divorce action?

Hon. Mr. Wishart: I thought he would have—

Mr. Singer: Oh no, if you are acting for the petitioner you suddenly get it from the social worker. I get four copies, and then the responsibility is mine to file one and to serve one on the correspondent; and that is it.

Mr. Breithaupt: Then it is over.

Mr. Singer: Nobody sends me \$15 for doing all that.

Hon. Mr. Wishart: I will have to check that. I thought the agent had some other responsibilities.

Mr. Breithaupt: I think the Attorney General is making one error here, in that he is asking opposition members how the system works.

Hon. Mr. Wishart: There are other responsibilities.

Mr. Singer: You do not get \$15 for swearing the affidavit.

Hon. Mr. Wishart: We brought this to the House last year, as I recall, and cleared those increased fees. I am trying to think what the responsibilities were. I think no one was interested in doing it for \$5.

Mr. Bullbrook: That is right. They will not do it for \$5.

Mr. Chairman: Anything further, gentlemen?

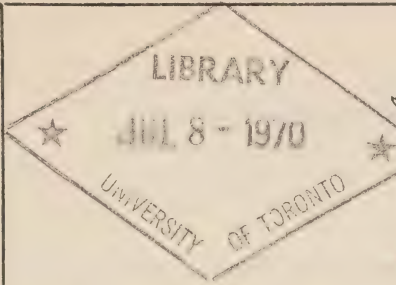
Mr. Singer: Why do they have to be sworn before a lawyer? Why can they not go before the clerk of the municipality?

Mr. Chairman: Vote 906. Carried?

Mr. J. Renwick: No .

Mr. Chairman: All right, but I wish you had raised this earlier, or otherwise we would have adjourned at six. Now we will adjourn to reconvene at 8, leaving 906 outstanding with Mr. Renwick having the floor at 8 o'clock.

It being 6 o'clock, p.m., the committee took recess.



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, June 16, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 16, 1970

The committee resumed at 8.10 p.m.

ESTIMATES, DEPARTMENT OF JUSTICE
AND ATTORNEY GENERAL

(continued)

Mr. Chairman: When we adjourned at 6.00, Mr. Renwick had the floor. Just before I call on Mr. Renwick, are there any substitutions from any of the other parties? None other than the ones we already have? Then I presume they stand for the rest of the evening. Mr. Renwick, you have the floor.

Mr. J. Renwick (Riverdale): Mr. Chairman, I am interested in an explanation of how the office of the public trustee, which is a self-supporting operation, jibes with the request that we have annually to vote funds. This is a problem which has always fascinated me. The public trustee will recall that a year or so ago he was good enough to submit to the public accounts committee a brief statement of the affairs of the public trustee. I would like to read this and to put it on the record. It is just two pages, but it raises the points that I want to cover. I am not basically concerned in the figures as such—

Mr. V. M. Singer (Downsview): I thought you had identified somebody over there as the public trustee.

Mr. J. Renwick: I was, but I changed my mind.

Mr. Chairman: I think we will carry on with the comments.

Mr. J. Renwick: This was the brief statement submitted, and it was most helpful, to the public accounts committee in April, 1968. The public trustee said then:

The total assets under administration as of March 31, 1967, amounted to approximately \$80 million. The office of the public trustee is self-supporting and operates with a staff of 153. To evaluate net earnings or net profit resulting from the operation of this office, it is necessary to add together the value of trust fees, and investment income received, and from this total sub-

tract the sum of operating expenses and interest paid to the various estates.

For the fiscal year ending March 31, 1967 he gave the following figures: Trust fees, \$640,000; investment income, \$2,200,000; less operating expenses, \$1,095,000; interest paid, \$1,097,000; net profit, \$640,000.

The cash balances held in the various trust accounts totalling \$39 million, together with \$6 million held in the administration fund account, are invested in the name of the public trustee. Investments held on March 31, 1967, yielded approximately 5.08 per cent. For the use of these funds the public trustee pays interest to the various estates or trusts at rates prescribed by the regulations. The cash balances are made up as follows—

Then are listed the various cash balances under about 10 headings, totalling \$49 million, and an administration fund account totalling the \$6 million, to which I have referred. Then he goes on:

The total amount of interest earned from investments was \$2,192,668, from which \$1,097,692 was paid back to estates by way of interest on deposits, leaving a net interest earned of \$1,094,976. It should be pointed out that included in this figure of net interest earned is an amount of approximately \$560,000 income from the investment of moneys held for probable escheats and so on. Interest is allowed to patients' estates at the rate of 4 per cent per annum on the minimum quarterly balance, exceeding \$500. This amounted to \$982,000 for the fiscal year ending March 31, 1967, an increase of one per cent would therefore amount to \$245,000.

The question that I do not understand is that if the office is a self-supporting office why, first of all, was I called upon to vote any moneys in the estimate? Secondly, I would like to have, because I just do not understand it, the basis on which the investment of these various funds is made. In substance they belong to the various estates which are administered by the public trustee, but are not entitled to a substantially higher amount of the earned interest to be credited

to them. Thirdly, I am interested in the yield figures on the investments which are held—which are stated to be about 5.08 per cent at that time and why the interest allowed on the estates is four per cent per annum on the minimum quarterly balance.

Mr. Singer: What year do the figures cover?

Mr. J. Renwick: This is for the year ending March 31, 1967.

Mr. Singer: Before it was adjusted up to six per cent?

Mr. J. Renwick: Yes. Now it is adjusted upward, but I would like to know the answer to those three questions or have some comments about it, because I frankly do not understand it, if it is a self-supporting office.

Hon. A. A. Wishart (Minister of Justice and Attorney General): Mr. Chairman, we dealt with a good deal of what the hon. member has raised—

Mr. J. Renwick: Well, then—

Hon. Mr. Wishart:—just before he came in. I would like to say something. Perhaps I should call upon Mr. Parfitt, the comptroller, to talk about the investments as he did before you came to this committee. The office is self-supporting and does make a profit. That profit is paid into the general revenue, as I understand it, and the office operates as an entity by itself. While it is self-supporting and makes a profit, the surplus that it produces on its investments goes into the general funds, so that it is really a matter of accounting, I would call it. The interest has been raised to six per cent, and that is governed by The Trustee Act, which we amended this year to enable a wider field of investment. What was the third point?

Mr. J. Renwick: Why there is not more of the investment income credited to the various estates which are under the administration of the public trustee, since it would appear to me that the funds invested are the funds of these estates?

Hon. Mr. Wishart: If I might just read from my own notes, the public trustee presently has in excess of \$88 million under his administration. The total assets have virtually doubled since 1959. The office is self-supporting and derives its revenue from legal fees and compensation for services rendered, and income from funds invested.

I think, if I might just interject there, that is to keep the office on a basis where you

can understand its operation, see how it does operate. Compensation is usually assessed on the basis on which a trustee would be allowed for services, but charges are reduced due to extenuating circumstances. In a case of poverty or hardship, the public trustee may forego any claims for compensation. Interest is allowed on patients' accounts at the rate of six per cent per annum on the minimum quarterly balance exceeding \$500. Yearly profits are transferred to a surplus account. Funds which come under the administration of the public trustee are invested in securities issued or guaranteed as to principal and interest by Ontario or Canada or any agency of either. I think since that time we have enlarged that.

As to detail of investment, I would have to ask the comptroller to speak on that.

Mr. Chairman: Mr. Parfitt.

Mr. J. Renwick: Mr. Chairman, my specific question is: As I understand it these cash balances are held by the public trustee as assets of these various estate and trust accounts. In other words, the estate and trust accounts, that money, is used by the public trustee and only a relatively, I suppose roughly 50 per cent of it only, is credited to the estate. I do not quite understand why all of it is not credited to the estate.

Mr. A. R. Dick (Deputy Minister of Justice and Attorney General): May I answer or direct a comment to that?

If I may, Mr. Chairman, according to the statement of earnings which we have for the year ending March 31, 1969, the interest earned and cash invested was roughly \$1.6 million. Well to give you the exact figures, it was \$1,648,054. The interest paid was \$1,613,659 so that the amount of interest paid was very close to the amount earned.

Mr. Singer: What was your second figure?

Mr. Dick: The second figure is \$1,613,659; so that the amount of interest paid on patients' accounts was very close to the amount of interest earned.

Mr. J. Renwick: Is that a change or is that significantly different from the figures that I had for the previous two years before that?

Mr. Dick: It is, sir, because the interest rate on patients' accounts at the time when we appeared before public accounts and presented that statement was four per cent. Since that time we increased the interest rate on the advice of the advisory committee to six per cent so that the figures I just quoted are

as of the year ending March 31, 1969, which reflect a higher interest rate.

Mr. J. Renwick: And what then would be, using the terminology that is used in the sheet I have, the net profit at March 31, 1969, of the office of the public trustee; because in the year to which I referred it was about \$640,000?

I suppose my basic question is should this be operating at some kind of a profit at all? Should it not be—

Mr. Dick: A non-profit organization?

Mr. J. Renwick: Should not the amount that is earned through the investment of these funds be all distributed to the various estate accounts? And if so what effect does that have on the public purse for the purpose of maintaining the office of public trustee?

Mr. Dick: If I might explain that in this way: In addition to the interest earned on investments, which is of course the corpus of the estates administered, we have the fees earned—because as you know in the public trustee's office, the public trustee, under the statute is entitled to charge fees similar to what would be charged in an ordinary private estate matter. The fees earned for the same year amounted to \$546,481. So if we take the fees earned together with the interest earned on investments the net profit in the public trustee's office, or the estimated profit, would be \$179,348. But the greater portion of that is represented by the fees charged in the administration's estate and not from the interest earned on the corpus invested.

Mr. J. Renwick: What would be the corresponding operating expense figure for the year ended March 31, 1969?

Mr. Dick: The estimated expenditures for the operation of the office would be \$760,224, and I should say, sir, that in the provision of the budget for the public trustee's office the government, as you know, does not operate on the basis that any of our offices are operating as revenue producing offices, offsetting expenditures against revenues.

The budget for the public trustee's office, the official guardian's office, and to a certain extent the Emergency Measures Organization, are offices where we have an income either by grant or earnings that offsets the expenditures. But the revenues of the office bear no relevance to the expenditures of the offices, and we present our estimates on the basis of expenditures only without consideration for estimated revenues because these

are not, in the way we fix our budgets, considered relevant to our expenditures.

In actual fact, and for the purpose as indicated in the public accounts committee a year or two ago, we do of course have revenues that are properly related to the expenditures of these offices. But in fixing our budget, we do not relate them and we do not go on the basis that we are earning revenues which offset our expenditures.

Mr. J. Renwick: Well Mr. Chairman, I have just two general comments. One is that I hope the Attorney General's will be the first department of government that will use the columnar system, now that his programmes are settled down, to give us the preceding year's estimate figures set off against the proposed expenditures for this year. And also that he would try gradually to get to the point where he is compiling some kind of a report so that this information would be available to us when we are considering these estimates.

I think it is most helpful and would probably shorten the time in debate if this kind of synoptic statement about the office of the official guardian and the office of the public trustee were made available to us in an annual report.

Vote 906 agreed to.

On vote 907.

Mr. Chairman: The member for Downsview.

Mr. Singer: One question—and we have pursued this topic at great length previously—why can there not be a provision that when a new subdivision is registered that it go into land titles? We have got this whole new procedure that where a new subdivision is registered that the title must be certified and all the procedures that are gone through and—

Mr. Chairman: I wonder if I could interrupt the member for a moment. Gentlemen, this section has three basic subsections to it. I allowed in vote 906, because of the close inter-relationship of the official guardian and the public trustee, a broad discussion of the two together, but I think under 907 we should try to split these off.

I believe what the member for Downsview is directing his attention to now is the second heading of land registration. Is there any discussion, is there anyone wishing to direct any discussion to the first heading of director of land registration?

In that event we will consider that as passed and I will go on then to land registration and the member for Downsview has the floor.

Mr. Singer: Well there is my question, Mr. Chairman. I think the Attorney General heard it.

Hon. Mr. Wishart: Yes I heard it, Mr. Chairman. The reason is that we do not insist.

Mr. Singer: I know you do not. Why not?

Hon. Mr. Wishart: Land taken under the lands title system in a new subdivision is surveyed and drawn up and approved and so on, and we leave that as a matter of option on the municipality, city, town or township. The provisions, I think it was of the certifications Act, generally apply, so that the—

Mr. Singer: But you do pretty well everything else to register a new plan of subdivision in those designated areas.

We have to satisfy the registrar about all the things that you have to satisfy the master of titles on, so to all intents and purposes you have done all the work that is necessary to get it into land titles.

Hon. Mr. Wishart: That is right.

Mr. Singer: Only you have to do it.

Hon. Mr. Wishart: We encourage—

Mr. Singer: And then you start the new thing all over again.

Hon. Mr. Wishart: We encourage municipalities to come under land titles; and if they should apply to come under the fact that we have done such a thorough certification under The Certification of Titles Act would make it very simple, as the expense of doing it under the one Act or the other is about the same. I would hope that the municipalities would recognize the benefit of going under the Torrens system.

Mr. Singer: Why do you not tell them?

Hon. Mr. Wishart: Well—

Mr. Singer: Because you have done the same work.

Hon. Mr. Wishart: We do not like, as a matter of policy, government insisting upon telling a municipality: "This you must do." Up to this point we have not reached that stage.

Mr. Singer: I just do not understand, because you have insisted that if my colleague, Mr. Sopha, comes in and says "I want to register a new plan in a subdivision"; and Sudbury is one of the controlled areas—

Hon. Mr. Wishart: A designated area!

Mr. Singer: Yes. If he comes in and then wants to register a new plan in a subdivision for a client, he has to satisfy his registrar of deeds that the title is good until the time of registration of the new plan. But then the whole thing starts all over again. If it is an active subdivision with multiple changes in title, it does not take too long before there are 20 or 30 pages of abstract references to that.

It just does not make any sense to me. The Attorney General has told us for years that we wish we had a simple system and that land titles is a very good system and we are moving towards that but it is going to take a long time. Then you come in with The Certification of Titles Act, which by itself is good except that you allow the whole thing to start all over again. Now why?

Mr. E. W. Sopha (Sudbury): Could I have a word?

Mr. Chairman: Yes; the member for Sudbury.

Mr. Sopha: I sometimes get discouraged about the slowness of progress. I have been pleading for this for a number of years and I contend that ultimately—and I think there has been agreement from various Attorneys General, probably all of them have agreed—that ultimately we would have the goal that all lands in the province be under the Torrens system whereby the public official certifies the title. That makes for protection of the individual property owner. The claims on the compensation fund, it ought to be said, have been very modest.

Interjections by hon. members.

Mr. Chairman: Order, please!

Mr. Sopha: Then I would think as a start, where government is dealing with any land, in any way where government is involved, whether it is by conveyance from government or government is involved in such things as urban renewal, that there ought to be a statutory requirement that such land be transferred into the Torrens system.

One observes that some people do this of their own volition. I notice in Sudbury that

the urban renewal plan is being voluntarily transferred into that system.

Hon. Mr. Wishart: This is what we have heard.

Mr. Sopha: It would be a simple requirement. All we would need is a subsection in a statute to do it. There are many other areas where government could use its persuasive influence, for example, in all those conveyances made by government of crown lands in southern Ontario. That system would not obtain north of the French of course, because they are already in the Torrens system; but in southern Ontario many of those crown lands would be under the registry system.

Then some day in the far distant future—I will just end on this note—some courageous Attorney General is going to transfer all the land in the district of Manitoulin into the Torrens system, because, let it be said—perhaps you will not believe this—no one in his right mind will certify a title on Manitoulin Island. It is just not credible for a responsible solicitor to do it.

Mr. G. R. Carton (Armourdale): Even a Toronto lawyer?

Mr. Sopha: A Toronto lawyer might; I said one in his right mind!

Hon. Mr. Wishart: Is not some of that Torrens now?

Mr. Sopha: Some of it is. But the titles are in such a mess. Boundaries were described by fences that have long since disappeared, along with various other landmarks.

Some day there should be a whole survey. I pleaded that it be done township by township. For example, taken one at a time, it might take two or three years, but eventually that whole island would be cleared up and peace of mind restored and the matter laid to rest.

Let it be added, of course, that at the time of this final footnote, that when the land goes into the Torrens system perhaps somebody will do something about solicitors' fees on the conveyance of real estate. These, under that system, of course by any form of tariff, are quite unjustified at their present high rate.

Mr. Chairman: The member for Lakeshore.

Mr. L. M. Reilly (Eglinton): Just one moment, please. High or low?

Mr. Sopha: High; they are too high!

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I want to go off on a different topic.

Mr. Chairman: Under land registration?

Mr. Lawlor: Yes, under land registration.

What the hon. members are saying is so obvious, so incandescent, that I do not see how it could possibly be in any way resisted by the minister.

I want to talk about The Planning Act for a few minutes. Under The Planning Act, I hope representations have been made to you by the profession under this head in the past, but nothing has been done about it.

Not even having a chance to eat one's dinner you know, does not fortify you for these deep trespasses into the law.

But under either section 26 of The Planning Act as amended, or section 32 (b), in there somewhere, as things presently stand, if a man owns a chunk of land and he gets subdivision approval, either from the committee of adjustment or a planning board, and sells off say half of that land and subsequently reacquires the land, he has to go back a second time and get that approval all over again. That is the most simple case. This is reduplication of effort, which could surely be guarded against by a simple alteration of The Planning Act.

Take the next situation. Where an owner acquires half a lot with the consent of a committee of adjustments and later acquires the other half, and then when he sells either half he must obtain consent. When the consent is obtained on part of the lot and a home is built on it and where the owner sells only the one home, it is cumbersome to obtain consent and no consent should be required if he is selling the same lands that have already been approved.

Mr. Chairman: I wonder if I could observe to the member that I really do not see the relationship between that and land registration.

Mr. Lawlor: You do not?

Mr. Chairman: We are really talking about The Planning Act, are we not?

Mr. Lawlor: No, it is a question of making registrations—you cannot make your registrations at the land titles office, the Acts prevent them from accepting your tendered documents in this particular regard unless you

have these consents attached. I think it is intimately tied in with the whole of the registration system and the problems that arise out of the heading of this vote, land registration services.

Mr. Chairman: I am not convinced, but carry on.

Mr. Lawlor: I am not going to labour the point. I have before me a brief given to me by someone engaged in this kind of work.

The third case is where an owner sells part of his holdings with the consent and takes back a mortgage: He must obtain the consent when he sells the backing lands, although this may be the remaining lands of the grantor and he is the mortgagee of the abutting lands only—if he is not the owner, and is only the mortgagee in these instances.

In land titles there are similar provisions. I am going to take the opportunity to submit this to the Attorney General. Let him look it over and see if he does not agree with me that The Planning Act ought to be seriously looked at and amended to make land dealings in this province much easier than they presently are.

Hon. Mr. Wishart: Particularly section 26?

Mr. Lawlor: Section 26, and I think 32(b) may have some impact; that has to do with committees of adjustment. In any event, you can look it over.

Hon. Mr. Wishart: I think, Mr. Chairman, I should tell the members of the committee that section 26 has received our attention in the past few weeks right up to this day actually. Very definite action is being taken towards dealing with section 26 by way of amendments.

Mr. Lawlor: I see.

Hon. Mr. Wishart: There will be something I am quite certain. Actually it will be coming forward, I think, under the aegis of my colleague, the Minister of Municipal Affairs (Mr. McKeough), because it concerns municipalities.

We have looked at this very carefully and have realized the difficulties that lie in the present section 26, some of the weaknesses of it in controlling subdivisions and the disposition of land as it affects municipalities and their planning. Section 26 of The Planning Act does relate very definitely to The Registry Act and to The Land Titles Act. A good deal of work has been done. I think we are in a position to make some definite amendments.

Mr. Lawlor: Delighted. I have one other point.

Mr. Chairman: On land registration?

Mr. Lawlor: On land registration. Bear with me for a moment; I want to check to make sure what I am going to say is correct.

No, it is all right; forget it!

Mr. Chairman: Gentlemen, is there any further discussion on land registration? Being none, then we move on to title and survey examinations.

Mr. Lawlor: That was new last year, was it not?

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: That was new last year; he has even cut down on the cost. I will not say a word.

Mr. Chairman: Any further discussion on title and survey examinations? Shall vote 907 carry?

Vote 907 agreed to.

On vote 908:

Mr. Chairman: Vote 908, public safety.

As I recall, at the opening of these estimates there were a number of items which we debated briefly in order to determine under what votes they came, and some of those wound up, by my recollection at any rate, under public safety. I wonder if the member for Lakeshore remembers the items we discussed at that time.

Mr. Lawlor: Landlord and tenant.

Mr. Chairman: I beg your pardon?

Mr. Lawlor: Landlord and tenant.

Mr. Chairman: Any of the items which we thought should come under here but which—

Mr. Lawlor: Compensation in crimes.

Mr. Chairman: Yes, that is one of the specified headings in that area. Can we identify the subsections under which landlord and tenant would be debated?

Mr. Lawlor: I think it should be debated in—

Mr. Chairman: Compensation to victims in crime?

Mr. Lawlor: That is what the landlord thinks!

Mr. Chairman: Really, I could find no particular subheading of vote 908 to cover landlord and tenant. There is no money being appropriated to it, of course; that would be the explanation for that. Perhaps we could deal with it first.

Are there any other items under vote 908 which the committee would like to discuss and which do not logically fall under one of the many subheadings?

There being none, then perhaps we can open this with landlord and tenant discussion under vote 908. The member for Lakeshore.

Mr. Lawlor: Yes, I have some stuff on landlord and tenant. I am going to ask the indulgence of the committee up to a point. I have before me a fairly lengthy letter, I am afraid, but a very splenetic one, sent to me by some solicitors who are deeply engaged in this whole matter. I will try to make it brief:

Thank you for your letter of May 7, this year.

The point I seriously make in connection with The Landlord and Tenant Act is that the Legislature invariably passes legislation without necessarily thinking of the methods by which the legislation can be made effective.

I do not like people taking the law into their own hands any more than you do. I agree with you that the previous proceedings by way of bailiff was a ridiculous proceeding. Some definite amendments must be made to the present legislation so that both landlords and tenants can get their rights adjudicated quickly. Frankly the county court is much too slow and the county court system, while it may be ideal for the disposal of litigation between plaintiff and defendant in damage actions or contracts cases is not geared to handle rent matters, and that the total amount at issue is usually less than \$500.

Of course this is from the county of Peel, and now that we have a new judge I am sure everything will be very much expedited.

What must be obviously clear to you as it is to me is that when a landlord—and I happen to act largely for the landlords, my partner acts for the tenants—

Interjections by hon. members.

Mr. Lawlor: I would really seriously like to cut this down. The tenor of the letter is on these first two paragraphs. It does take severe umbrage if they cannot get their rights:

When someone says to a landlord: "It is going to take you three months to get me

out of here." And I know perfectly well this is the case, then you have a real problem. The tenant says: "I cannot get any heat in the building." And by the time the tenant gets the landlord before the court it is two months and this is a real problem. We have too many problems in our society to have a judicial process that obviously is not meting out quick justice.

He throws out the landlord and tenant advisory board.

I had one professional landlord in to see me. This landlord had some 400 rental units. This landlord is contemplating—in deed, I am sure if the truth were known he really has a couple of goons on his payroll who from time to time look after his landlord and tenant problems. This activity is just no good, I cannot sanction this kind of activity, neither can you. I cannot sanction the activity when a tenant says "I will not pay the rent, you cannot do anything to me for three months". I think you would not sanction that either. I cannot sanction the activity when a landlord says to a tenant, "Hell, I am not going to bother heating the place. If you do not want to pay the rent, do not pay the rent, freeze to death."

You see, this is not the real legalist; the fellow is moved.

I agree with you, we pay a very high price for whatever little civilization we enjoy and we must continue to enjoy the civilization, we cannot have laws that tend to make otherwise law-abiding citizens lawless. As our society becomes more urban, we are going to have a great many more people fall into the category of tenants. There is no question that their rights to this property must be respected. A standard form of lease should be produced.

By the way, we are still abiding and awaiting upon a standard form of lease. I do not think, Mr. Chairman, the Attorney General was opposed to a standard form? I think he was considering; it simply has not appeared. A standard form of lease should provide for the rights of renewal.

One of the major problems that my tenants have is that a landlord, on the maturity of a lease, can kick them out and it costs a great deal of money for people to be forced to move. If they own a house, they do not have to move from that house as long as they can pay their municipal taxes and their mortgage payments. A tenant can pay his rent and for no reason at all he can, at the maturity of his lease,

be told that the place is no longer his, that he must move.

Surely tenants on a standard form of lease must be given some form of security. Cost of moving to an average working man is as an enormous cost, even though he may be able to borrow a truck from his employer or from a friend. A tenant should be entitled to insist on a basic standard of good housekeeping in the building he rents and this standard of housekeeping should be set out in his lease.

One of the complaints I have always had from tenants is they want to move; that they have been transferred to something and the landlord will not let them out of the lease. Some provision should be put in the standard lease indicating what penalty a landlord should charge to a tenant when he wants to break his contract.

This should be standard matter of a standard contract. Say on a one-year lease you could break the lease with one month's rent; on a two-year lease on two months' rent; or something of this nature. And again graduate it down to the number of months that he still has to run.

Then he raises a point which, if he had read the Act sufficiently—well we will not bother with that.

But that is the basic tenor of that letter. Of course, this particular firm of lawyers are deeply incensed and they sent me another letter immediately after that.

Hon. Mr. Wishart: That one was written on behalf of the tenants, as I take it. Is this one on behalf of the landlords?

Mr. Lawlor: This was a fairly capitalistic sort of lawyer who was writing to me; I know him very well. Yes, it is remarkably favourable to tenants but I think his heart is where the money is.

Hon. Mr. Wishart: Right!

Mr. Lawlor: He is writing me a pitiable letter; he is begging for the sagacity of the legislator because mere lawyers cannot cope with these things. He says:

Perhaps you could tell me what I should do under the following circumstances. I have a one-bedroom apartment that my superintendent rented to some nice people, a husband and wife. Unfortunately a month ago their cousins from Newfoundland also arrived with three children in tow and now there are seven people in one nice one-bedroom apartment.

I have tried to be nice. I have tried to persuade them that really they need more room. But now they have their cousins there. They have not got enough money to pay rent, so under this marvellous statute I am entitled to serve them a notice of appointment to appear before the judge to show cause why they should not be evicted, or their lease should not be terminated.

Possibly, if I can get an appointment before the local county court judge it is conceivable—

This letter is written April 15.

—it is conceivable that by June 15 we might have vacant possession of the apartment.

Of course, as they do not have to pay rent, the other tenants have decided that they should not pay rent either because after all there is a great deal of noise and confusion. In the meantime, the children of the guests run up and down the halls, marking and cutting the wallpaper, using the elevators as toys and generally quietly destroying the building. At one time, I could have very easily sent in the bailiff, and of course this is all very naughty today.

Perhaps you and two or three members of your party could come out and convince them that their behaviour is not entirely social and that they should perhaps pay their rent and perhaps repair the damage that they or their children have caused.

And he goes on saying that trying to get before the courts and get something brought to a head and obtain relief from the situation, that is simply not forthcoming.

By the way, I may just take an extra few moments and read part of my reply to that letter.

May I thank you for your two letters of recent date and apologize for any delay.

Finally, it is not my marvellous statute but yours, or the government's. You people who are engaged in the sole activity of the capitalist society, namely making money, do what comports with that mentality; namely, move in after the event and in a complaining way.

You knew that The Landlord and Tenant Act was going through, but did nothing about it despite the fact that public hearings were on several occasions available to you. Even as one who does not believe in participatory democracy, in terms of straight self-interest you might have put yourself out a little.

And that goes on in that vein.

Hon. Mr. Wishart: I think, Mr. Chairman, the hon. member, having read the letter to the landlord, should now read the letter he wrote to the tenant.

Mr. Lawlor: I do not have to.

Mr. J. E. Bullbrook (Sarnia): Is the hon. member going to plead the fifth amendment?

Mr. Lawlor: Well, there are defects. I know the county of York—I do not think it is any breach of confidence—Judge McDonagh told me they are doing their very best, that they are putting through a very heavy load of landlord and tenant cases and giving them extremely high priority.

I still would like to know if there is a considerable backlog in those cases and just how efficiently they are being handled. Because as you well know, I advocate a special landlord and tenant tribunal—or at least that within the court system as it exists, certain judges be specifically appointed to this task, at least for the time being until this thing irons itself out. As this lawyer complains, it takes him three solid months to move.

In the meantime what happens with some of these tenants—and this brings the whole thing into disrepute—is that they will move in; they will take up their full time; the sheriff will appear on the premises; they will then move into the next place for another three months. And, with four places in a year they will pay no rent for a whole year's time.

This kind of thing has nothing to do with socialism. The socialist has as high an integrity in paying his bills as I trust some of you fellows have.

In any event, we give them the wherewithal whereby they might pay. We do not impoverish them and expect to pick their pockets at the same time.

With that little homily, I proceed to say that the courts have a backlog in this area. I do not know how it affects other areas. There is a backlog in the county of York despite what they are doing, and you are going to have to move in on the situation.

Hon. Mr. Wishart: Well, Mr. Chairman, I think I would like to speak to this matter in a brief way.

I do not think that there is such a delay as is actually speculated upon in those letters. My observation of the situation in the county of York, where a great deal of this landlord and tenant matter is upon them, is that there is not a great backlog of landlord and tenant matters at all. I could, however, check this

with the chief judge of the county court and if this is so suggest that perhaps one judge or two judges be designated and asked to take these cases especially in hand.

One of the letters which the hon. member read—apparently both from the same firm, one of them on behalf of tenants and the other on behalf of the landlord—he read us his reply to the landlord and we did not get the benefit of his advice to the tenants.

I think it must be admitted that in our new Landlord and Tenant Act, which was passed the end of last year, there is no jurisdiction anywhere which has given to tenants the rights—the removal of distress, the removal of the security deposit, the requirement of the landlord to repair and keep the premises in good condition—I do not think any jurisdiction has done for tenants what we have done here.

Now there may be some difficulty in getting those rights enforced by the courts. On the other hand, we have the landlord complaining that you have given the tenant too much freedom to fail to pay his rent and there are difficulties getting him out of possession. We removed the bailiff. He cannot move without a court order. I do not know. You cannot have your cake and eat it too.

I do not know which side the hon. member is on or whether he is just saying that the situation is such that you need—he has recommended or urged—a special court. I do not think we need a special court. Perhaps we need some disposition within the court, judges to deal with these matters quickly and promptly.

I am told that the difficulty is not in the delay, if it is delay. It is not in the court dealing with the matter but in the parties acting to get service of their notices made on one side or the other.

Mr. Chairman: The member for Downsview.

Mr. Singer: Well, Mr. Chairman, following along the line taken by the member for Lakeshore, I have had many, many complaints from lawyers and from landlords who say that one of the ancillary effects of this Act is that a group of tenants has grown up who have discovered how they can beat the system.

They recognize that they cannot be evicted until there is a court order, and by delaying and delaying and delaying they can often occupy an apartment for three months or more. Eventually there will be an eviction order granted; eventually there will be a civil

order granted, a judgment granted against them. Then the landlord has to chase them and find any assets.

By and large the people who are beating the system are people who have no quickly locatable assets; and with the member for Lakeshore I—

Hon. Mr. Wishart: Where does the delay arise?

Mr. Singer: Well the delay arises in the manner we predicted it would arise when this Act was going through.

Hon. Mr. Wishart: The landlord does not have to wait three months.

Mr. Singer: No; but the summary procedure is not summary, that is the problem.

That is what we told you when the Act was going through, and I just will not accept the thought, Mr. Attorney General, that members are blowing hot and cold.

The member for Lakeshore does not need to have any great defence, he can defend himself. But certainly in my opinion, and the opinion of my colleagues, this Act was a very good step forward and most of the things in it we advocated.

We think they are advanced steps in dealing in a modern age with the problems that exist between landlords and tenants. But we warned you, we warned you a year ago that in our opinion the summary procedure would cause the very difficulty that it is now causing, and in passing this—

Mr. Reilly: What specific difficulty?

Mr. Singer: The difficulty is that the summary procedures—the word summary is supposed to mean quick or short or brief—is not quick or short or brief.

Mr. Reilly: What is the delay?

Mr. Singer: The delay runs through appointments, to serving of documents, to availability of judges. If the matter goes on for more than half a day the judge says: "Well, I am busy." He looks at his docket and he says: "I have not got another day to give you for another two weeks or three weeks."

All of these ancillary delays are by reason of the fact that these judges are busy people. They have got a lot of other things to do and this is perhaps not the most tasteful thing. If they can avoid it, they do.

So the complaint that landlords have is that where they get deadbeat tenants—and there are some—they cannot get them out. They cannot get them out, in many cases, in periods exceeding three months.

Now the plea is a simple one. There is this problem and the Attorney General can say he has had a look and he does not think it exists. Certainly from the complaints that I have had from many, many lawyers who practice in Toronto, they think it exists.

I would think there has to be a special kind of a tribunal or an extra number of judges that are detailed to deal only with this kind of a thing, because in changing our law in the way that we did we leaned over backward in being abundantly fair to the tenants, and in so doing we recognize that we swung the pendulum in the other direction.

I think by the same token we have got to extend some degree of fairness, within those four walls of our new statute, to the landlord. I think that presently the action that is indicated—as I say as we warned you about a year ago—is that there be a really speedy and summary procedure provided in the courts. There is not that system existing today; and in my opinion the complaints from landlords and the complaints of lawyers who act for them are justified in most cases.

Hon. Mr. Wishart: What about the security deposit or the first month's rent—the last month's rent? Is that any help?

Mr. Singer: No, no.

Hon. Mr. Wishart: You can take an extra month's rent when you make the lease.

Mr. Singer: They take an extra month's rent and make the lease but they say, and they can cite cases—why do you not hold your own hearing and invite some of these big landlords in?

Hon. Mr. Wishart: I have seen some of them.

Mr. Singer: Sure, I am sure you have and I am sure you have had correspondence from many lawyers who act for them.

The lawyers who have complained to me are not generally the complaining types of lawyers. These are people who say, generally: "We have great trouble in getting a judge to quickly hear our grievance." Not the way that the matter is dealt with.

Mr. Chairman: Could I ask the member, is he talking about the county of York?

Mr. Singer: Yes. By the time they get the thing on, by the time they get it heard, by the time they get a decision, by the time they get a court order acted upon, by the time they get an eviction, they are in trouble.

I think that the Attorney General has got to have a much better look at it. We had to take you at your word last time. You said you did not think the situation would arise. Well in my opinion it has arisen; it is there and it is serious and I think we have got to have a very careful look at it and figure out some means of dealing with it.

Mr. Chairman: Any further discussions on landlord and tenants?

Mr. Lawlor: Well—

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Under The Landlord and Tenant Act, part 3 I think it is, you have a 15-day period of grace by which they can go over on their rent. Therefore the landlord does not usually start until the 16th day; he cannot.

If a lawyer is busy, he cannot get on immediately thereafter. He takes out the appointment and then must make service upon the tenant. True that can be done by registered mail under the terms of the Act; but again, let us say a week is consumed in that way.

The appointment must be set some time in the future and that would be where I would think the rub would be. Just how far into the future, if the judge is extremely busy? And judges are. And as I say there is a certain recalcitrance against handling these cases. He sets it three weeks ahead, and now you are gone into five weeks already, and maybe six.

The hearing takes place. Perhaps on the morning of the hearing, for one reason or another, an adjournment has to be raised, then you are really in trouble. I would think that you certainly would not in under six weeks get the hearing on.

If the judges were available to hear the matter, then after the 15-day period—or maybe that should be cut down to 10 days—but leaving it as it is then the judges within a very short period, within 10 days, 15 days after the application is made, would be able to hear the case and not drive it into a month and a half or two months.

I think my friend pushes it a bit hard. In his particular case he exaggerates as to the

limitations he is under, and I said so in a reply.

But again one of his arguments is that we have one county court judge to serve a population of approximately a quarter of a million people. Up until recently that has been perfectly true, and therefore Judge Grant has not been able to take the volume and the load that must have been presented to him. In Peel; that may somewhat be alleviated now.

All I am really saying is that perhaps you can shorten the time simply by efficiencies in the court and with—you do not like directives to digest—but some kind of thought that these matters must be given the highest priority. The only way you are really going to achieve it, certainly in the county of York in my opinion is to have designated judges. They may handle other types of trials, provided that they have handled the roster for that day of these applications and then go on to other matters.

Hon. Mr. Wishart: You do not suggest shortening the time in the Act—the time for default or the time for serving of notice?

Interjection by an hon. member.

Hon. Mr. Wishart: All I heard last year when we were debating this bill, from some of the hon. members who have spoken to-night, was all on behalf of the tenant.

Mr. Singer: Oh come on now! We talked about the summary procedure being summary, and we talked about that for several hours. If you did not hear that then I do not think you were there.

Mr. Reilly: Mr. Chairman—

Hon. Mr. Wishart: Would you suggest shortening—

Mr. Chairman: Order please! One at a time.

The member for Eglinton.

Mr. Reilly: I was going to ask the member for Lakeshore about the six weeks delay. You have to get your 15 day period of grace and then you give notice and may have to wait a week, and then there is an appointment made for you in the future. Perhaps three weeks may go by, and then there may be a further adjournment. He has indicated perhaps six weeks minimum.

Well now, once a case has been listed and has been heard, is there still a further delay from the standpoint of a decision, an eviction

notice? Can this now be done at the same time?

Mr. Lawlor: The sheriff shows up after that, and he gives them a few more days in order to get their furniture—

Mr. Bullbrook: Well do you not still have the right of relief against forfeiture under the 15 days situation? You certainly do. Of course this is the problem that faces so many lawyers and so many landlords, and I say most respectfully to you we talked about the summary aspects. You recall distinctly—

Hon. Mr. Wishart: We talked about it.

Mr. Bullbrook: I talked about the summary aspects of it, and for the benefit, Mr. Chairman, of the member for Eglinton the problem is that after you go through this procedure on a 15-day defalcation, the judge has the right to relieve against forfeiture. So if you have a situation where a landlord really wants to get rid of his tenant, he must give him 30 days' notice as at the end of the next lease month. Am I not correct in that?

Mr. Singer: Provided you are a monthly tenant.

Mr. Bullbrook: Yes, provided you are on a monthly tenancy. Which is what I think is prevalent under the leases too, that you have the right to 30 days' notice.

In any event, on a monthly tenancy. The point being that the lawyer and the landlord must make a discretionary judgment there as to whether they want to get the tenant out or not.

If they really are in circumstances where they say, "Frankly I want to get rid of this fellow. I am worried about my money, but the main thing is having regard to his particular type of tenancy, I want to get rid of him." Then the lawyer is really taking upon himself some obligation in deciding that he will go on a 15-day defalcation, because he could go through this six weeks, and the judge say: "Pay up the arrears and you are still a tenant." If I might say, Mr. Chairman, this is what we talked about when we talked about the need for streamlining to a certain extent.

The Attorney General is right. That statute was weighted in favour of the tenants. So we cannot have it both ways in our position or in government. I say to the minister that that was a government statute. Really though, the burr under the saddle was the opposition in connection with tenants' rights.

We tried to bring to your attention at the same time that there has to be a degree of balance shed upon the whole statute, and I think that was a deficiency in the statute. I suggest to you with respect that the opposition are really not speaking out of both sides of their mouths now. They did discuss this before.

I would like your consideration, sir, if I might, of the provincial lawyers who are faced with judges who are busy, who assign themselves one day a week for chambers application; so that we do not have the happy circumstance, or unhappy, that they do at least in Toronto. You have a judge who is sitting in chambers, as I understand it, all the time.

The lawyers in the smaller communities find you have a judge who will, for example, assign himself, out of necessity or otherwise, that Thursday will be chambers day, so that then his docket is charged with the responsibilities of chambers work on that particular day, one of which is landlord and tenant matters.

What they find is that he looks at his books and says, with justification: "I am sorry, I just cannot fit this matter in for another four weeks."

I bring this up because I think we should in fairness to the landlords. I agree with you that this bill was weighted in favour of the tenants, justifiably, at the insistence or the request, rather of the opposition. I think we have to look at the procedure to give the landlords a little greater degree of availability to their just redress and facility too.

Mr. Chairman: Mr. Minister, do you care to comment?

Hon. Mr. Wishart: No, I think the comments have been fair. I do not think there is anything I can add. I just wonder, those who operate outside Toronto, if I might ask this. I have not been able to find that there is a great problem outside of large urban areas in landlord and tenant matters.

Mr. Bullbrook: I can only speak from experience in response, that I have long ago given up involving myself from a purely selfish point of view with landlord and tenant matters. I find you cannot really give the redress that they want right away, and usually it is a landlord approaching you for redress.

I do not think there is any doubt that the situation obtained even before the statute, that there were professional defalcators. There are tenants, and we discussed this

during the course of the statute, who are able as a result of their knowledge—

Hon. Mr. Wishart: They could do this before!

Mr. Bullbrook: —of the difficult mechanics, Mr. Chairman, that they could stay there for two or three months.

Hon. Mr. Wishart: Even with the bailiff.

Mr. Singer: His elimination was a good thing. We have compounded the problem by not having a speedy procedure.

Hon. Mr. Wishart: That is right.

Mr. Singer: Therefore, to offset it I think you have to have a summary procedure that really is summary.

Hon. Mr. Wishart: Let us see what I can do about, particularly for York at least, a special dispensation.

Mr. Bullbrook: May I say one more thing to refresh the Attorney General's mind? You recall we spoke when you eradicated the bailiff's procedure, we said this was great because it was not the unilateral affectation of the administration of justice, at the whim of an individual without recourse to the courts. If we may refresh your mind, we said at the same time we have to look at the summary aspects of it.

Mr. Singer: An offshoot of that, Mr. Chairman, which I hope will be dealt with in the new Judicature Act when we see it, is the length of sittings in our courts. I am still not happy about the availability of courts during the 12 months of the year in York county, in the city of Toronto. I think the courts should be available 12 months a year on the county level and on the supreme court level. I am quite sure that the answers that some lawyers do not like it is really not sufficient. The legal profession is a very adaptable profession. I am quite certain, as I looked through the weekly notes today and looked at the long list of new persons who are admitted to the bar, that there are going to be enough lawyers around to man the courts 12 months a year if the courts are going to be open 12 months a year. One of the problems that we have is that the courts are not open sufficiently during the vacation period. I hope there is something about that in your new statute that you keep on giving us very vague hints about.

Hon. Mr. Wishart: I will not even say probably.

Mr. Chairman: Thank you, gentlemen. We will go on then to the first formal heading under vote 908, that of the assistant deputy Attorney General. Any discussion on this subject?

Mr. Singer: Is that where I can talk about The Ticket Speculation Act, Mr. Chairman?

Mr. F. L. Wilson (Assistant Deputy Minister of Justice): Yes.

Mr. Singer: Is this the fellow we are talking about now, Mr. Wilson?

Hon. Mr. Wishart: Yes.

Mr. Singer: I would think that this is the appropriate time to—

Hon. Mr. Wishart: Did you want to pay him a compliment?

Mr. Chairman: The member for Downsview.

Mr. Singer: There is a statute that I have had representations about for some considerable time. I have written to the Attorney General. I have spoken to Mr. Dick and I have spoken to Mr. Wilson and I have had back memos and reports and so on about as far as we have got at the moment is: "You raised an interesting point; we are going to think about it."

We have a very small statute. It consists of two paragraphs, I think, that say that you shall not speculate in the sale of tickets. I suppose at one time, in the morality of this province, it was deemed to be a very bad thing if a person bought a ticket for a sporting event or an artistic event for \$3 and sold it for \$3.25. Periodically we watch the police outside Maple Leaf Gardens arresting the odd young man who is selling tickets, provided there is a good game—the Maple Leafs playing the Canadiens—the price of tickets goes up; if they are playing one of the new western teams, the price of tickets goes way down. I do not think really that you are serving any great public good in this regard.

In addition to that, there are a few firms still left which sell tickets, as a service, in the large hotels in places where they advertise: "If you want tickets, come and see us and we will get you tickets for O'Keefe or for Maple Leaf Gardens or what have you. They charge a mark-up and they provide a very substantial service.

One of these gentlemen came to me and said that what is happening, because of the limitations in The Ticket Speculation Act, is

that he is unable—and I think he is about the only one left to run a business that is profitable to stay in any more. Most big cities have people who buy up tickets and make them available. Toronto is a large tourist centre and there are lots of people coming in. I can see nothing wrong with the fact that there are people who believe that it might be a good business to sell tickets to people who have not been able to get them when they first go on sale at the box office. I think this is a good kind of public service. In essence what I am saying is that first of all the schedules as presently set out in The Ticket Speculation Act are unrealistic and foolish. Secondly, The Ticket Speculation Act as a whole seems to me to perform no useful public service. Finally, Mr. Attorney General, why do you not recommend its repeal?

Hon. Mr. Wishart: Mr. Chairman, just to speak to it briefly. We did, I can confess, I think, to the members, have an Act drafted to do some of the things that the hon. member suggests. I have not presented it in cabinet—

Mr. Singer: That was a few years ago, I think.

Hon. Mr. Wishart: I still have it in tow. There may be an opportunity to update it. The Ticket Speculation Act does prevent scalping, as we call it. It does prevent that and I think that is, perhaps, meritorious, to do that.

Mr. Singer: Who scalps? A couple of high school kids outside Maple Leaf Gardens on Saturday night?

Hon. Mr. Wishart: That schedule is out of date. At least, we could perhaps look at the business of providing a new schedule of commission or fee on the sale of the tickets. I have noted it and this is directed particularly, I notice to the assistant deputy Attorney General. Perhaps he can give me some advice and I can carry forward some of the thoughts which are put forward.

Mr. Singer: I have seen a memo that he has written addressed to you. He was quite frank with me. He expressed certain opinions and he said: "All I can do is express an opinion to people higher up than I am in the department." I do not think that any of the particular remarks I made are at real variance with anything he has said in his various memos, or really at variance with anything that the deputy Attorney General has said.

Hon. Mr. Wishart: Now that I have the assurance of the gentlemen who speaks—

tonight at least—on behalf of the official opposition, it might make it easier for me to proceed with it.

Mr. Singer: All right, there you have it.

Mr. Chairman: Any further discussion under the heading of the assistant deputy Attorney General?

Carried.

We will go on to the Centre of Forensic Sciences. The member for Lakeshore.

Mr. Lawlor: I just want to call the attention of the Attorney General to some remarks made by the county of York grand jury in November of 1969 about the forensic science laboratory on Jarvis Street. They say that in spite of the space and personnel limitations in this facility, the grand jury was impressed with the high quality of the detailed scientific work for the fight against crime which was being accomplished.

As to the efficiency of this undertaking:

There is no doubt that larger, more modern facilities for this institution would increase the possibility for an increase in developmental work which now is at a standstill and the backlog of three months in case work would be reduced.

We suggest the provision of such facilities should be expedited in the interest of crime prevention and detection and that it would be desirable to incorporate the new morgue and coroner's office into the same building.

I am sure the Attorney General has taken that piece of advice in good favour and I have heard rumours that something is afoot. But perhaps the Attorney General could tell us what he intends to do about the physical facilities of the forensic laboratory?

Hon. Mr. Wishart: Yes, Mr. Chairman, I can. We have been seeking a new forensic science laboratory for some time actually and urging the need of it. I think the operation there is efficient and the personnel are efficient and capable, but we do lack room; we do lack facilities generally.

We have carried this forward to the Treasury Board and through Public Works. I understand that plans are prepared and all I have to do now is find—or persuade my colleagues to find—the funds.

Mr. Lawlor: Have you got the site?

Hon. Mr. Wishart: We have a site located, but it is just a matter of funds. If we could

get those we would be on our way, and I have pressed this very strongly.

Mr. Chairman: The member for High Park.

Mr. M. Shulman (High Park): Yes, I would like to speak on the centre because I do not think that anyone is really aware of what has happened there in the last three or four years, particularly this last year.

The Centre of Forensic Sciences had—I use the word advisedly—an international reputation as probably one of the greatest centres in the world. Dr. Ward Smith did a fantastic job of bringing it to that position, but unfortunately it no longer has that position.

I had the opportunity very recently of speaking to scientists in this field and the comment is: "Is it not sad about the Toronto forensic science centre?" The fantastic situation is that for a year now we have not even had a fulltime pathologist.

How you can run a forensic science centre without a fulltime pathologist is beyond me. You are paying a man—the very same man you could have kept as a fulltime pathologist—you are paying him to come in on a *per diem* basis, on a parttime basis.

The progressive work that was occurring there was stopped completely. All of the suggestions that were made by Ward Smith which had not been carried out during his lifetime have now been dropped. I believe in his last report, shortly before his death, he made a number of requests. Afterwards none of those were carried out.

This was one of the great things that the Attorney General's department and the province and the government could be proud of and you cannot be proud of it any more. It is now a third-rate laboratory without even a pathologist.

Would the Attorney General care to comment?

Hon. Mr. Wishart: I am inclined to somewhat agree. I think the hon. member exaggerates to an extent.

We get the services of Dr. Jaffe as we need them. We are seeking new facilities and I think we will get them before long. We have gone up to the point of just now getting the funds allocated.

As to staff—as to head of the forensic science laboratory—the amount that one would have to pay to put a fulltime, qualified, capable, able person at the head of it is an amount which I have not got at my disposal at the moment. Again it is a matter of funds.

Mr. Shulman: I would like to point out, just before we leave that one, that you could have had Dr. Jaffe at the head.

He was not quitting because of the money; he was quitting because of the working conditions. He wanted to stay there. I pointed out in the House a year ago that you were going to keep him regardless of the cost of hiring someone else. There is no other city of this size in the world that does not have a head of forensic science.

Hon. Mr. Wishart: It is not the city, it is the province.

Mr. Shulman: Well imagine a province without a head of the forensic science lab. You go to a city like New York and they will have a number of men where we have not even got one. In a place like Chicago or Philadelphia, or in a place like Paris, they will have numerous men holding these positions. Is Ontario so poor that we cannot hire a pathologist?

Mr. Sopha: You did not make sure that it works in Sicily did you?

Mr. Shulman: I do not think they have any works there, it is sort of done informally.

Mr. Chairman: Mr. Minister? Mr. Dick.

Mr. Dick: If I might just make an observation; as the hon. member for High Park knows we have a head of the centre. It is a medical director who is presently lacking.

The minister has mentioned there are problems. They are not entirely related to salary though. As perhaps the hon. member for High Park by his profession knows, the man who fills this type of position wants to be very active in the academic area. He wants to be active in the university teaching arena. He also wants to be active in his own practice of his own profession as a pathologist, and at the same time of course as medical director of the centre.

Perhaps our real difficulty has been in trying to accommodate our needs to the needs of the men we have interviewed, who have these other interests which they want to carry on at the same time as they are acting as medical director of the institute.

So what we have been doing in recent months, in dealing with the various gentlemen who have indicated an interest and in whom we are interested, is trying to arrive at an arrangement with the University of Toronto and with the hospitals so the man whom we get will have status in the academic com-

munity and be on the faculties in dealing with particular art, and at the same time be able to do the other things he wants; and then also act as medical director.

This indeed was Dr. Jaffe's concern, that he wanted to be active in many areas to broaden his own experience; and he ultimately elected to follow this bent which was quite understandable.

In the interval, as I say, we have been interviewing men who have an interest. We believe that at the moment we have now settled with the university community, the academic community, how they will be able to facilitate the man who holds this position in his endeavours.

At the same time we will be able to get the service for the centre. We hope that shortly we will be able to get a gentleman who will fill all these needs and who, at the same time, will have available to him what he wants.

Mr. Shulman: Do you have any prospects at the moment?

Mr. Dick: Yes, the last time I discussed this with the gentlemen who are working at it there were two or three names of gentlemen who were interested.

Mr. Shulman: How much are you prepared to pay?

Mr. Dick: Well at the present time the salary range goes up to \$29,000 per year for the medical director aspect of the responsibility; and then of course he will have his other endeavours associated with the university.

Mr. Shulman: How much were you paying Dr. Jaffe when he quit.

Mr. Dick: It was in the same range. At that time it was the same classification, but the salary range may have been slightly different in view of recent salary revisions.

Mr. Shulman: How much are you paying him now? Dr. Jaffe, for his part-time work?

Mr. Dick: Offhand I do not know exactly what we are paying him.

Mr. Shulman: Is it approximately the same as you were paying him for his full-time work?

Mr. Dick: Well, I do not think in total sum it would come to the annual salary we were paying him.

Mr. Shulman: Is it pretty close?

Mr. Dick: No, I would not even think it was close.

Mr. Shulman: Does anybody know?

Mr. Dick: I am advised that it is \$100 per day.

Mr. Shulman: How many days does he work now?

Mr. Dick: I do not think he is working 290 days a year, which would have been up to—

Mr. Shulman: Why did you not keep him when he wanted to stay?

Mr. Dick: The terms upon which he wanted to stay were not consistent with the terms that we felt were desirable for the medical director.

Mr. Shulman: I see. From his point, was there something unreasonable? The thing I cannot understand is how we can go over a whole year without having a pathologist, it just is incredible to me.

Mr. Dick: Well if I might direct myself to that, Mr. Chairman. Dr. Jaffe was the first fulltime medical director we had, and he was only there for a couple of years. Prior to that time we got along, we felt quite reasonably, with the dedicated service of Dr. Deadman. You perhaps will remember Dr. Deadman, and—

Mr. Shulman: He was working full time, was he not?

Mr. Dick: No, he had his own practice as well. He was on a parttime basis. He carried on his own practice and did as he wished, but was also available to the regional pathologists and supervising coroner and the other gentlemen.

Mr. Singer: He was not a very young man was he?

Mr. Dick: Dr. Deadman, I think, has since passed away.

Mr. Singer: Yes. When he first came to work for the forensic clinic he was not young.

Mr. Shulman: But there was another doctor there at the same time.

Mr. Dick: Yes there were two doctors who together provided the consulting pathology service. Then when Dr. Deadman passed away, we went to a fulltime pathologist, the medical director, Dr. Jaffe, who was with us for approximately two years. Then Dr. Jaffe

left and since that time we have been looking for another man; and a more viable arrangement in the interest of the lab and also in the interest of the pathologist.

Mr. Shulman: I trust then we will not come back next year and there is still not going to be one. You are reasonably sure you will get someone soon are you?

Mr. Dick: As reasonably sure as I am certain about getting any pathologist in the area. I do not like to give my undertaking on any employee because they all have various attractions and so on, and you never know for sure how long they will stay.

Mr. Shulman: But you will agree with me that this is a terribly essential appointment to the administration of justice in this province.

Mr. Dick: With respect, I do not think that we have suffered unduly as a result of the leaving of Dr. Jaffe, with the consulting pathology services we have had in the interval. We would like, of course, to have the position filled, because that is why we created the position.

Mr. Shulman: Would the deputy agree with me that the reputation, the international reputation of the forensic science lab, has gone down tremendously since Dr. Ward Smith's death.

Mr. Dick: No, Mr. Chairman. Again with respect I do not. The thing that we lost with Ward Smith was an exceeding fine personal reputation and a very dedicated scientist. Dr. Smith, in my own personal experience, had achieved a stature by his own personal status, quite unrelated to the lab as such. He had a personal reputation that carried with it the respect of all who came in contact with him. Now that could not be replaced by any man who had almost the misfortune to succeed him, because the gentleman who came in had very, very large shoes to fill.

The present incumbent, Doug Lucas, is a very able man, but he of course has not had yet the years to mature to all of that which Dr. Smith achieved. But if I can say it with due modesty, he has done exceedingly well. He assumed the responsibility of president of the International Association of Forensic Scientists upon the death of Ward Smith. He conducted the annual meeting when that association had its first meeting in Canada under the leadership of Mr. Lucas, and he did very well. We received a lot of comment afterwards about the fine job he did.

Mr. Shulman: I am not criticizing Mr. Lucas.

Mr. Dick: I realize that you are not criticizing. But at the same time, I might just mention I agree Dr. Ward Smith brought a great deal to the office, and Mr. Lucas is contributing a great deal and he will continue to do so. But he will have to grow to the same stature that Dr. Smith had.

Mr. Shulman: I am not criticizing Mr. Lucas. What I am worried about is the fact that the laboratory is regressing, instead of progressing, and I feel it is not Mr. Lucas's fault.

Shortly before his death Dr. Ward Smith sent a number of requests to the department for various things which he said were essential for the progress of the department. I understand that none of those requests have been carried out since his death. Now can the deputy enlighten me on that?

Mr. Dick: I could, Mr. Chairman, to this extent. As is the case in all branches of the department, we have been attempting to find the most effective ways to utilize the moneys which the government provides for us and which the Legislature provides for us. I think it still stands to the credit of the forensic science centre that we are following the same practice we did with Dr. Smith.

That is, because the scientists are particularly knowledgeable about what they need to provide their service, we are providing a sum of dollars and we are leaving it in the discretion of the director and his associates to decide how that money will be expended. I think we have accomplished many of the things Ward Smith suggested; some of them are modified because needs have changed and perhaps interests have changed.

Mr. Shulman: How much money did the centre ask for this year and how much did you give them?

Mr. Dick: I could not tell you offhand what they asked for. I do recall that in the area of the specific things such as equipment it was about 50 per cent which, by discussion, we came down to.

In other words, they started out with a long list of things they required. By the time they completed the discussions within the department it had been modified to about 50 per cent of what they had originally sought and what we decided—really by agreement with the lab—would be reasonable in the light of the voluntary restraints within which we were operating.

Mr. Chairman: The member for Sudbury.

Mr. Sopha: Mr. Chairman, with some considerable trepidation I venture into the discussion in matching my knowledge with that of the member for High Park, who must have had considerable experience with the centre in his role as chief coroner of Metropolitan Toronto.

However, I have had considerable experience with the personnel of the centre and perhaps I might be safe in saying that I have probably had more contact with them as witness and counsel than any other member of the Legislature.

First, I found it difficult to understand the emphasis on a medical director of the centre when under the inspired leadership of Dr. Ward Smith the chief of the personnel was a pharmacologist. As one lawyer who cross-examined him at one time said in respect of his qualifications; "got him to admit that he was a druggist without a drug store."

Personnel certainly have not changed ostensibly, because one sees the same people coming to give evidence. Invariably, they are exceedingly well prepared and they are always objective, fair.

One thing I wish were a requirement of that centre is that I wish it were made mandatory that before they give evidence their report be furnished to defence counsel. Defence counsel should have their report in advance of their testimony in order to make himself aware of the nature of the findings which they are going to disclose and in the light of the modern concept of criminal justice, no surprises. I think that would be a very salutary requirement.

Having said that, it amounts to taking issue somewhat with the member for High Park because I do not see how the international reputation of the centre could have declined. Indeed, it is very hard in the light of the fact that there has not been a turnover in personnel so far as I am aware.

I know they lost the ballistic fellow, I forget his name. He was a delightful Czechoslovak—I think he was a Czechoslovak; he might have been a Bulgarian, but delightful; he was fascinating—he would spend all day telling you how much he knew about guns. He was one of the world's outstanding authorities on ballistics, according to his own testimony, but he was truly a charming person. I think he went to join the Chicago police department, or it might have been Philadelphia, or somewhere else where there

is more mayhem than there is in Ontario, to test his talents.

I well recall the story he told about how he captured that bandit who shot the banker—you remember that—

Mr. Chairman: Excuse me, I wonder if the member would stick to the subject?

Mr. Sopha: As I say, no doubt they have replaced this ballistic expert with one with comparable qualifications. I have not had a homicide that involved a gun recently so I am unable to tell. Mine have involved other weapons, much more incisive and just as speedy.

Whereas I am the first to criticize because I am paid to criticize, seriously speaking, I have an exceedingly high regard for the personnel of that centre. They do not give any breaks to anyone and yet they do not give the impression that they are Crown-minded either. They are very objective in the presentation of their evidence and invariably juries are impressed.

I have one qualification to add. I will always maintain just a little bit of distrust for the work on the breathalyser. I do not entirely trust that machine. I do not think that machine measures what it says it measures. They have a great deal of faith in it; they swear by the breathalyser. I think some of them down there, since it is their invention, have one by their bedside.

But you run up against all sorts of limitations of that machine. If you burp, it is like hitting that thing with a sledge hammer at the carnival and you ring the bell. Seriously, I have run up against cases where the breathalyses has measured the individual to have something like 2.1 parts per 1,000. The fellow had a blood test taken very close in time and the blood test was something like 1.2—a terrific difference.

Another thing I distrust about it—and I have not their implicit faith—is the radical differences in readings they will get 15 minutes apart. There is something like a 20 per cent variation. Of course, I say all that in the light of the almost automatic, unquestioning faith put in the readings by a great many of the magistrates. As soon as they get the evidence that the fellow had 1.5, you are dead from that point on. It will come to this—that we will not need magistrates at all; that the person will be taken in, asked to blow into the receiver and the sergeant will be able to apply a graduated fine depending on how much he is over 0.8. His licence will

be suspended for a commensurate period, no doubt.

I have that considerable reservation, but otherwise I have unqualified admiration for the work that they do.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Two specific points, Mr. Chairman, if I may. Last year you gave a grant to the International Association of Forensic Sciences, but you have cut it out this year.

Mr. Chairman: I might just ask the member for Lakeshore, will he be long?

Mr. Lawlor: No. This is a specific question, the answer is probably obvious; I do not know.

Hon. Mr. Wishart: That was for the International meeting that was here; 500 came here—

Mr. Chairman: Order please, gentlemen.

Mr. Lawlor: That was the reason? It was a single occasion?

The second question: Did I hear the deputy Attorney General say that Dr. Jaffa was getting somewhere in the region of \$29,000? As I look at the public accounts for the fiscal year ending on March 31, 1969, he was getting \$22,301.05.

Hon. Mr. Wishart: That is for what year?

Mr. Lawlor: For 1969.

Mr. Dick: I modified my statement.

Mr. Lawlor: Yes, but—

Mr. Dick: If I might answer that, Mr. Chairman. As I mentioned to the hon. member for High Park, there has been a revision of the salaries of these classes in that period.

Mr. Lawlor: To that extent?

Mr. Dick: Yes. It was a physician 8 at that time, but the classification for the medical profession had been raised since that time and the present classification is from \$24,000 to \$29,000.

Mr. Chairman: Thank you, Mr. Dick. I ask the member for Lakeshore, has he any further questions?

Mr. Lawlor: No.

Mr. Chairman: Then we will conclude the Centre of Forensic Sciences discussion? You have more? Very well, gentlemen, we will

have to adjourn now until after the division has been taken. I have no idea how long we have for the bells, so I think we must adjourn until after the vote.

The committee resumed at 10:10 o'clock, p.m.

Mr. Chairman: Gentlemen, I reconvene the meeting. I believe Mr. Lawlor had the floor at the time when we adjourned or was it—

Hon. Mr. Wishart: Mr. Shulman.

Mr. Chairman: The member for High Park.

Mr. Shulman: I wanted to say a word on the forensic science centre. I am sorry that the member for Sudbury is not here. He misunderstood my remarks; I was not criticizing the work that they are doing, I am criticizing the work they are not doing. In the earlier years, there was a tremendous amount of research and advance being done through the Centre of Forensic Sciences; now that has stopped. That is where I said their reputation has fallen back.

Certainly as far as ballistics or routine work is concerned, it is as good as it ever was. They certainly have not slipped; but they have stopped progressing. That is what I am objecting to. That is the sense in which the scientists had said their reputation had fallen; not that they are doing things wrong—it is that they are not doing things that they were doing.

Hon. Mr. Wishart: I wonder, Mr. Chairman. Before me I have one case, which is one of the outstanding cases of the work of the Centre of Forensic Sciences, in order that the members of the committee might have some knowledge of what kind of work the centre does. It is not a long story but perhaps I might read it into the record and I think it would give an understanding of the kind of work the centre is doing.

At the centre, perhaps partly in reply to the hon. member, they have a section of pathology, and that is the section of which the hon. member for High Park speaks as not having a permanent head or employee there. As has been pointed out, we are able to get eminent persons to assist us there; in fact the man who was there on salary and who is now doing other work as well. Then there is the biology section; the toxicology section, a firearms section, a chemistry section, a document section, and a photography section. This is the sort of work that the centre is doing and it does it for all of the province.

This case, which I would like to read and which will not take long, indicates the work they did in three particular areas—firearms, biology and documents. Perhaps I might read it; it is in my materials. The following case is an excellent example of how the combination of forensic science and outstanding police work can bring a difficult investigation to a positive conclusion.

On Sunday, October 5, 1969, a Metropolitan Toronto police constable reported for duty at 6:45 p.m. He was assigned to patrol an area alone in uniform in an unmarked car. The officer failed to report off duty at 3 p.m. and at approximately 3:45 a.m. his body was found in a vacant lot in the area to which he had been assigned. He had been shot three times, his revolver and wallet were missing. Subsequent investigation revealed that he had been shot round 11:15 p.m.

A post-mortem examination was conducted on the morning of October 6. Because of the absence of his service revolver, it was initially assumed that this was the murder weapon. However, when the three bullets were retrieved and delivered to the centre later in the day, it was found that they bore different rifle specifications from that weapon.

Accordingly the information was given to the investigators indicating that the murder weapon was probably either a particular type of American-made revolver, or a Spanish or Brazilian copy of it.

On this same day the officer's blood-soaked, bullet-pierced notebook was examined in the centre, and found to contain writing made after he had been shot. Since some of it was on the top of the blood, some of the writing could not be deciphered due to blood stains or having been written on top of other writing, and some was illegible because it had been written while he was dying. Certain words were interpreted however. There were: "Vincenzo. Small Ital. Betty" the name of his wife, "JE"—the first two letters of his son's name, "Thank you" and "black goatee."

It was with this information that the police were initially armed to search for the killer.

On October 10, a revolver was found in the back of a toilet tank in the washroom of a west-end restaurant. This was a .38 calibre Brazilian-made revolver. It was one of the types originally suggested to the police as a probable murder weapon. It had been partially dismantled and one

major part, essential to the firing of the weapon, was missing.

Early on Saturday, October 11, the revolver was turned over to the firearms section at the centre and the laboratory work was begun. Because the weapon could not be fired in the normal manner, a search for duplicate parts was commenced. This search ended in Detroit, Michigan, where a similar-type revolver was purchased and brought to the centre so that the missing part could be used in the suspect weapon. After test bullets were fired and compared with the bullets responsible for the death of the police officer, this suspect weapon was identified as the murder weapon.

An immediate search with the Ontario Provincial Police and the Royal Canadian Mounted Police indicated that this weapon was not registered in Canada. This being the case, the centre advised the police that the sole importer of this revolver for North America was a firm in Miami, Florida.

Members of the Federal Bureau of Investigation, at the request of the Metropolitan Toronto Police Department, traced the murder weapon through several hands from Miami to Lockport, New York. From there, members of the Metropolitan Toronto police homicide squad traced it to the last known owner, one Vincenzo Fazzari, in Toronto.

This successful tracing of this weapon can only be described as a truly outstanding example of excellent police work by the agencies involved.

And I would suggest also, forensic science work.

On October 21, detectives went to the residence of Fazzari's parents, where he was living, and placed him under arrest. He was subsequently charged with the murder of the constable. Members of the centre were requested to attend at the residence of the accused to assist in the search for evidence. Several bullets and cartridge cases were found in the basement. These were compared with the bullets from the body and tested in the murder weapon. It was found that one of the fired bullets from the makeshift basement firing range had been fired from the murder weapon.

Also taken from the house of the accused was a pair of shoes, which were turned over to the chemistry section of the centre. Examination of these shoes revealed samples of soil, which were similar in colour, grain

size and mineralogy to samples of soil taken from the scene of the murder.

On October 29, the constable's missing revolver was found in the back of a toilet tank in a downtown hotel washroom. In a second toilet tank was found a box of ammunition, which included three cartridges of the same type that were missing from this weapon. These cartridges were not the type that had been used in the murder. Evidence from three of the sections of the centre—firearms, chemistry and documents—was given at the preliminary inquiry, which took some three weeks and required over 1,000 pages of evidence. The accused subsequently entered a plea of guilty to the charge of non-capital murder.

There follows a letter from Chief James Mackey, which compliments the centre. But I think my purpose of reading this was simply to indicate the type of work it does; the very excellent, the very thorough and capable work it does. And it still, I think, has a high reputation as being one of the best.

Mr. Shulman: In that field.

Hon. Mr. Wishart: We are lacking pathology now. We do not have a permanent head there, but we do not lack getting the services of a capable pathologist.

Mr. Shulman: What is the date of the last annual report that you have available, Mr. Minister, from the centre?

Hon. Mr. Wishart: Do I have a report from the centre? I do not think the centre makes an annual report.

Mr. Shulman: If the minister will look back, the centre did make an annual report. The centre stopped making an annual report some two or three years ago, when it started slipping. Every centre in the world of any quality makes an annual report. If you will ask your deputy when the last annual report was, he will tell you it was right after Dr. Ward Smith died.

Hon. Mr. Wishart: That may be, but that does not necessarily say that the work is not being carried out in a most capable way.

Mr. Shulman: Mr. Minister, I am not suggesting that what they are doing is not being carried out in a capable way. They are doing routine work. But they are no longer keeping statistics. They are no longer issuing an annual report. They are no longer doing the research they were doing before. It is fantastic that a department this size should

not issue an annual report. A report was issued every year, for years and years and years.

Hon. Mr. Wishart: The centre only started in 1966. I could note that we have not been getting a report. Perhaps it might be helpful to have one.

Mr. Shulman: Let me add one other thing. The annual reports from the other forensic science centres are distributed all over the world to the other forensic science centres, so each can learn from the other. You have just abdicated out: you have given up.

Hon. Mr. Wishart: Not yet.

Mr. Shulman: Pretty close, pretty close.

Mr. Chairman: Anything further on forensic sciences? We will move on, gentlemen, from the Centre of Forensic Sciences, to emergency measures. The member for Downsview.

Mr. Singer: Mr. Chairman, it is getting a little late and I have been speaking far too much today, but this vote is probably the most useless vote of all the estimates that we have. Can the Attorney General tell us why he persists in keeping Ontario in emergency measures and wasting \$1,296,00 of the taxpayers' money?

I know, first of all, he is going to tell me half of that is federal money and only half of it is Ontario money. But why should we waste \$600,000 odd of Ontario taxpayers' money in about as useless an exercise as there is?

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, this is a federal programme—

Mr. Singer: But you do not have to participate in it, if you do not want.

Hon. Mr. Wishart: —in which we are asked to participate. We do try to co-operate with the federal government. I have not heard a member of the government in Ottawa get up and say they should not carry on this programme and—

Mr. Singer: That is enough for you, is it?

Hon. Mr. Wishart: —we are constrained, I think, to try to be co-operative with the federal government. I will not say more than that, in case I say too much. I am not sure how much co-operation we get. That is all I wish to say to you.

Mr. Singer: Why do you not co-operate with them, say to the extent of \$50,000 instead of \$600,000?

Hon. Mr. Wishart: They ask us to share on a certain percentage basis.

Mr. Singer: But how is this budget worked out? It is your budget, is it not?

Hon. Mr. Wishart: The federal government sets the policy. It sets the programme and it sets the expenditures, and it says it will share a certain percentage. They ask us to share to a certain degree and they ask the municipalities. It is a three-way programme.

Mr. Singer: Yes, but the budget is fixed by your department.

Mr. Bullbrook: Is it open-ended at their discretion?

Hon. Mr. Wishart: No. They set the programme and they reduced it very substantially. Perhaps the hon. member for Downsview will be very happy to know that.

Mr. Singer: Oh I know that, because I have made this same speech for 12 years now.

Hon. Mr. Wishart: But then they say to us, "We will pay 60 per cent, you pay 30 and the municipality will pay 10." Or, "We will pay 50 and you will pay 25 and the municipality will pay 25."

Mr. Singer: Yes, I appreciate that, but how do we get to the total of \$1,296,000?

Hon. Mr. Wishart: We just share on the percentage that is laid down for us.

Mr. Singer: Who determined that the combined programme would be \$1,296,000?

Hon. Mr. Wishart: The federal government.

Mr. Singer: What makes that figure up then? Did they tell you how many people to employ; what their travelling expenses should be; what the maintenance would be, and what the municipal projects are? Did they lay those things down for you?

Hon. Mr. Wishart: Well they lay down pretty definite and firm guidelines.

Mr. Singer: Yes, but did they tell you how much money you have to spend?

Hon. Mr. Wishart: I think the answer generally is yes. They say, "We will allocate

so much money for this programme; it will cost you and—"

Mr. Singer: Yes, but you do not have to participate in the programme at all unless you want to, do you?

Hon. Mr. Wishart: I will agree with that. If you want the province to opt out and say, "We will have no part of emergency measures," then we would not have any set programme.

Mr. Singer: I do indeed and that is the thrust of my remark. I do not think there is any point in moving again that the vote be reduced to \$1. It is the only sensible thing.

Let me tell you about the waste in this that has taken place over the years—the great programmes for air raid shelters that were never used; directional signs; plans to evacuate people up to Bruce county—all these futile exercises and the mass hysteria that have every year wasted millions of dollars of the public money. I think maybe the time now has come to have an end.

Surely, Mr. Chairman, even though the figure has been diminishing, surely the time is now here when Ontario should opt out of the emergency measures programme? If you want to put some money into improving fire services, fine, only put it under the head of fire services.

Hon. Mr. Wishart: One part of that programme I thought was very valuable—or at least, the most valuable—was the one that was related to fire services where they assisted on the purchase of fire pumpers. These were supposed to be used for training purposes first of all, but they became the property of the municipality. But they cut that out—of all things that is the one they cut out. We tried our best to persuade the federal government that if they were going to reduce the programme that was not the area in which to reduce it. But they went off on another angle, another tangent, and said that was no help for the municipality.

Mr. Singer: What are these municipal projects, \$910,000?

Hon. Mr. Wishart: They are the basic programme in Ontario simply to provide a skeleton organization of police, fire, lifesaving, hospital, hospitalization, medical services and some training programmes to bring people into these programmes if an emergency or disaster occurs.

Mr. Singer: Why have we not sufficient confidence in our police departments, in our fire departments, in our medical services and so forth to let those services do that by themselves? Why do we need another civil service hierarchy by and large to duplicate—apparently duplicate, because really they are providing nothing? Services are already being provided by fulltime staffs who are trained specifically for those purposes. We keep on putting this figure in year after year and the money is always spent and it never seems to return anything to us.

If we want emergency services—and maybe that is another aspect of it—surely the best emergency services are going to be provided again by the various municipal civil servants and provincial civil servants who are properly trained in this regard.

I do not think I should gild the lily any more, Mr. Chairman, except that the Attorney General's explanation this year is no better than it has been the previous years. I think this is just an absolutely uncalled-for and ridiculous waste of the public money.

Hon. Mr. Wishart: I wish you could convince your party—

Mr. Chairman: Mr. Deans—

Hon. Mr. Wishart: —at Ottawa of your party—

Mr. Singer: If Ottawa is wrong in this, that does not mean that you have to perpetuate the error.

Mr. Chairman: The member for Wentworth.

Mr. I. Deans (Wentworth): Thank you, Mr. Chairman. I am inclined to agree for the most part with what the member for Downsview says about this. I frankly think that with the passing of assistance for the purchase of fire apparatus, the whole programme becomes useless.

Major municipalities in major areas have adequate service already. We will say that the major metropolitan areas, at least to begin with, have full-time fire service and the major rural areas are providing part-time service, although there are a goodly number of areas that do not provide any at all, and I want to talk about that in the next vote.

But it would seem to me, from looking at the job that they do, that the only place that there is any validity to maintaining it may well be in some parts of northern Ontario.

Some of my colleagues from the north tell me that the Emergency Measures Or-

ganization in the north is much more active and put to better use because of forest fires and those kinds of things that arise on a more regular basis in northern Ontario. But as far as southern Ontario is concerned, I do not see the necessity for spending any additional money and providing the services in this particular area.

I wonder just how much of the money, how much of this \$910,000 in municipal projects, is spent in southern Ontario?

Hon. Mr. Wishart: Mr. Chairman, perhaps what the hon. member says has some merit and some validity to it, but I do not think he can assess emergency measures on the situation that exists in normal times today. It is not designed for that situation at all, and I would like to give you this note from my own notes before me.

Late in 1969, just before the beginning of this year, the federal government issued as a basic planning document, a revised evaluation of the threat to the people of Canada based on a credible attack on North America in the light of the current assessment of the potential enemies' capability.

This indicated a particularly serious threat to Ontario, not only because of the location of ten of the 17 potential Canadian and Canadian-U.S. border targets in this province, but also because of Ontario's geographical position projecting below the 49th parallel into the latitude of the northern boundary of California. The province is highly vulnerable to radioactive fallout arriving out of American targets lying to the west.

Mr. Deans: Can I interrupt for a minute?

Hon. Mr. Wishart: No, just let me finish.

Calculations based on this credible attack indicated that of the 4.5 million people in Ontario who would be killed or injured in such an attack, over one million would be victims of radioactive fallout alone.

Now as I say, you do not treat emergency measures on what the situation is today.

Mr. Deans: No.

Hon. Mr. Wishart: What we were asked to do was carry out these programmes to have an organizational or skeleton force in readiness in event of disaster, such as was done in the cities of Britain when they were bombed during the war.

It was not the normal police, it was not the normal fire force; it was the public trained to serve; it was people caring for people, rescuing people, putting out fires, stopping looting,

doing police service; and this is part of emergency measures.

You cannot relate it to normal conditions today in southern Ontario. This is not what it is designed for at all.

Mr. Deans: Let me tell you how it is used so that we understand.

Hon. Mr. Wishart: It is not used.

Mr. Deans: Or what was done with the money.

In the fire service, for example, it became a method of finding out whether young people were suited to the fire department. They came in and they became part of what were known as the auxiliary firefighting unit.

Hon. Mr. Wishart: Right.

Mr. Deans: And they stayed there for a few months while they went through the rigours of learning how to tie knots and climb ladders and all of the sort of things that firefighters learn how to do. Then the best of them joined the force and the remainder went on their merry way and were never heard of again.

Hon. Mr. Wishart: That was a good result, at least to that extent.

Mr. Deans: I am not sure that it was. It just seems to me, for example, of the apparatus that was available in the Hamilton area, I well remember the pumper has now sort of faded into antiquity. But the pumper that was provided by the Emergency Measures Organization, I would not have given you tuppence for it. It was totally unfit for fire use. As a piece of training apparatus it may have been okay, but it was not kept up. It was not maintained properly.

The whole programme, in terms of providing moneys to municipalities that have full-time forces, in effect is just a waste. If you want to spend that money, it can be better

spent in the next vote, in providing for the 139 municipalities which are without fire services at all, rather than spreading it so thinly over municipalities that do not need it.

There are any number of people, in the St. John Ambulance and the Red Cross, who are associated with and attached to the service organizations and emergency service organizations of the police and fire departments, the militia and all of these organizations. There are enough people there without us spending another \$500,000 or more.

Hon. Mr. Wishart: Mr. Chairman, I would just like to say one word. I think I will agree that any programme which is related to defence, by its very nature involves great expenditure of money. Equipment quickly becomes obsolete—for example, the Bonaventure, training of militia forces or that type of work. Over a period of years it is not used or the equipment is worn out, it is gone. There is a great deal of money spent in this way, but I simply say we are asked to meet this federal programme and we do.

Mr. Singer: Mr. Chairman, if the Attorney General's rationalization of this expenditure is that this is what is going to save us in the event of—

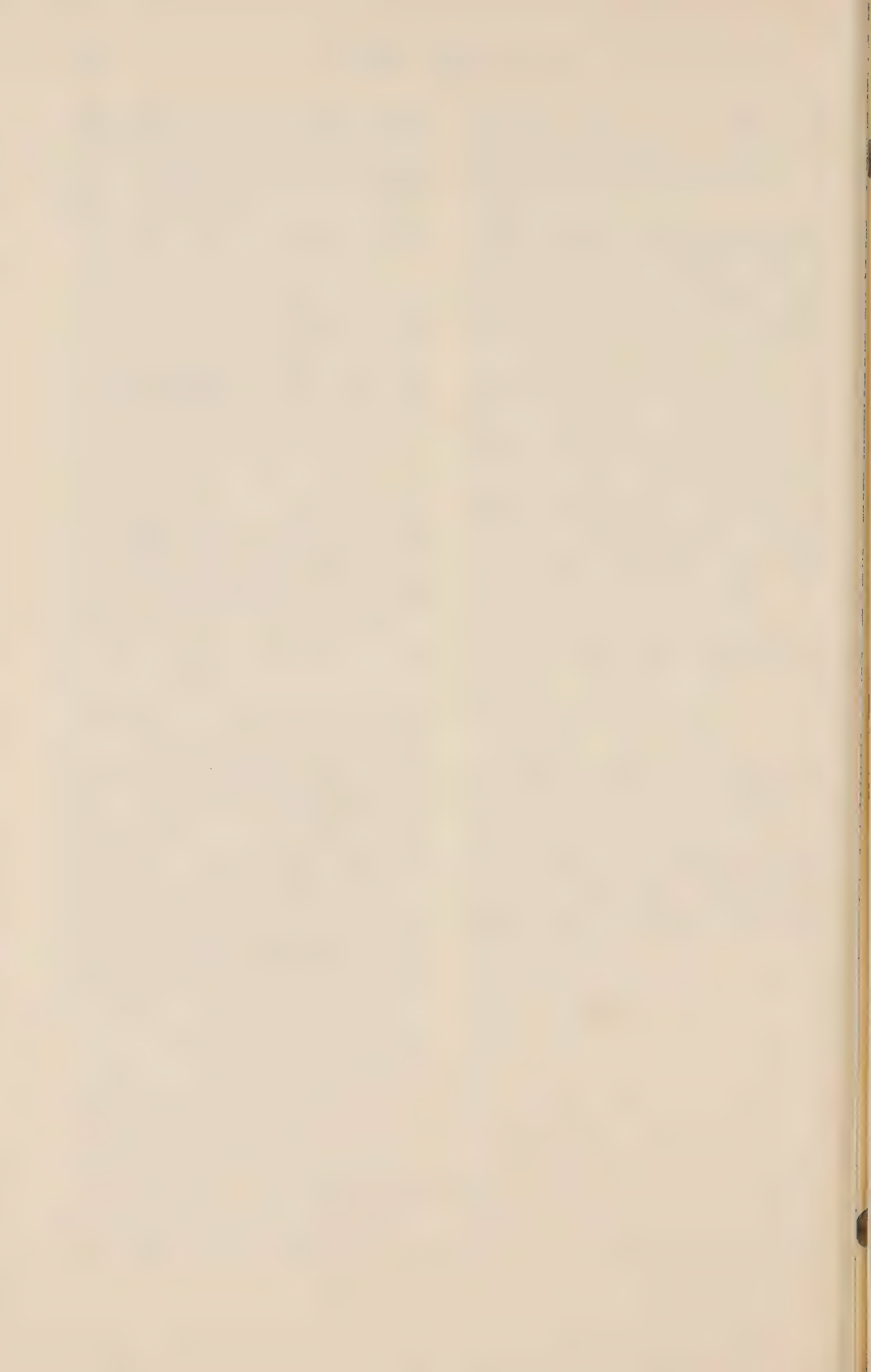
Hon. Mr. Wishart: I do not.

Mr. Singer: —nuclear holocaust being visited upon this province, I say, the Lord help us all. That money is not going to save one single life if there is a nuclear war.

Mr. Chairman: Gentlemen, is there any further discussion on emergency measures? If not, we will carry that. It being 10:30, we will adjourn until 3:30 o'clock tomorrow afternoon, with a discussion on fire safety services.

The committee adjourned at 10:30 o'clock, p.m.





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STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Wednesday, June 17, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JUNE 17, 1970

The committee met at 3:55 o'clock, p.m., in committee room No. 1; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

Mr. Chairman: May I call the meeting to order?

Hon. A. A. Wishart (Minister of Justice and Attorney General): Mr. Chairman, I would like to apologize to you and this committee for my tardiness but I had an appointment with two of my cabinet colleagues about a very serious flood two weeks ago in the whole area including my riding, and it seemed very urgent that I should assist the delegation.

I thought we would be five minutes but one of my colleagues was also late. He was held up in the House and that is the explanation and I do apologize.

Mr. Chairman: Thank you, Mr. Minister. I am sure the committee accepts that explanation.

Gentlemen, at the outset perhaps I can read into the record the substitutions that we have for this afternoon. We have Mr. Snow substituting for Mr. Demers. We have Mr. Villeneuve for Mr. Downer. We have Mr. Carruthers substituting for Mr. Dunlop. We have Mr. Ben substituting for Mr. Good. We have Mr. Kennedy substituting for Mr. Hamilton. Mr. W. Hodgson is substituting for Mr. Johnston of St. Catharines. Mrs. Pritchard is substituting for Mr. Price. Mr. Breithaupt is substituting for Mr. Sopha.

Gentlemen, when we adjourned last night we had concluded the subheading of emergency measures in vote 908. We are now going to embark on the discussion of the next subheading—fire safety services.

Mr. Deans has the floor.

Mr. I. Deans (Wentworth): Mr. Chairman, I want to deal with some of the matters contained in a brief that was sent to the Attorney General by the Ontario Association of Fire Chiefs. There are some figures contained in the brief—it was received by the Attorney

General, as I understand it, a month, or perhaps two months, ago—and the figures are very disturbing to me.

They show that out of 925 local municipalities in the province of Ontario there are, at this point, about 139 of them without any kind of fire protection service. And of those 925 local municipalities in the province there are 719 who do not have any fire prevention effort being carried out.

It is possible to understand that situation in some areas, where a municipality may be so wide spread that it would be very difficult to carry on, on a regular basis, the fire service operations that would be required. But I do think that it would be quite possible within the fire marshal's office at the present, to extend the services available and to make available to every municipality in the province of Ontario, on a regular, fulltime basis, people who will co-ordinate and establish a proper fire prevention programme.

It may well be that there will still be a number of fires take place. It may well be there will still be a great loss. But, I suspect, we can cut down considerably on the moneys lost by fire over the years, and the lives that are lost by fire over the years, if we established in this province a proper co-ordinated fire prevention programme.

I suspect that the cost would be considerably diminished if the Attorney General accepted my suggestion of last evening that we use the \$600,000 presently put into the EMO programme to form the base that might be required to put these people into the field.

I do want to make reference to two or three recommendations that the association made to the Attorney General. I think that they are very valid and that they deserve consideration and I would like to hear from him what he intends to do about them.

The association recommended that a committee under the leadership of the fire marshal with representation from the association and other associations and interested groups be established to set up the minimum requirement for fire protection. I think that is absolutely necessary. At the present time in terms of the manning of apparatus and in terms of fire protection services available,

there just is no requirement. In fact, there is not even the requirement that a municipality, regardless of size, provide fire protection service. I feel that this, if not an oversight, certainly is a serious omission in the protection of life and property in the province of Ontario.

They also indicated that there ought to be steps taken immediately to establish minimum requirements for fire protection for the construction industry and for the transportation of hazardous chemicals. This to my knowledge has not yet been done and ought to be done. There is no question that there have to be very stringent requirements on the transportation of hazardous chemicals and particularly radioactive materials.

I think the Attorney General will recall that fairly recently in the city of Hamilton a box of radioactive isotopes was lost from a truck and that they were really, as I can recall, never ever recovered. It could quite easily have been a very serious matter. It could have caused a loss of life. It could have caused severe physical impairment to any children coming across them. It seems that there is a great laxity in the handling of radioactive materials and I would ask the Attorney General to take some steps immediately to do something about that.

As was pointed out in the brief, the face of municipalities has changed considerably. Where there once were many one-story buildings in small municipalities, this has changed and they are now going to multiple-story buildings. Along with that there comes a responsibility to guarantee and to ensure some kind of fire safety and fire prevention programmes. I think that this could well be undertaken.

The association states, and I believe it is right, that every town, city and village and other municipal entity should be required by law to provide adequate fire protection.

There are other matters contained in the brief. I do not intend to go into any others but one. They have asked that there be a standard for the size and colour of exit signs. I think that this is a very valid point. I think that in municipal buildings particularly—in fact in every building where they are necessary—signs indicating exits should be one size and one standard colour so that they are easily recognizable and so that there will be no doubt in anyone's mind what the sign means and says, even though you may not be able to read it at a distance.

They have suggested that certain figures are satisfactory and I would ask the Attorney

General to take them into consideration. They have also dealt with the matter of a nursing home Act, which is out of the jurisdiction of the Attorney General. But they have suggested that he should make representation on the matter of fire alarm systems; that the department should make sure that every nursing home, regardless of age, regardless of how long it has been established in the province, first of all should have a fire alarm system; second, there should be two distinctly separate ways that it can be operated. If one of those ways is by means of a battery then that this battery should be on charge from an electrical outlet on a continuous basis, in order that, should the regular electrical supply fail, the other would automatically be up to the level that is required.

I will deal no more with it because of the time, but I would ask the Attorney General to give serious consideration to all of these reports.

Hon. Mr. Wishart: I think I agree entirely with the member in the objectives he stated, and he comes to this committee with a particular knowledge, because I believe he has been a member for a number of years of the Hamilton fire fighting department, so his ideas come from the basis of his experience.

I would tell him that I met the fire fighters' association some six or eight weeks ago by appointment. I went over their brief very completely with them, in its entirety, with the fire marshal present, and those recommendations were discussed at length.

They are under study. Some of them we perhaps may see our way clear to accomplish within reasonable time. Others are going to be somewhat difficult.

To place fire protection by way of a fire fighting force in every municipality in Ontario poses some pretty difficult problems, particularly in those parts of the province where—

Mr. G. Ben (Humber): How many municipalities are there all told in Ontario?

Hon. Mr. Wishart: In Ontario there are 900 and some.

Mr. Deans: 925.

Hon. Mr. Wishart: Well, here is my note. Of the 908 local municipalities in the province as listed in the 1970 municipal directory, 621 own and operate 647 fire departments.

Mr. V. M. Singer (Downsview): This is before the Minister of Municipal Affairs (Mr. McKeough) brought in his last bill.

Hon. Mr. Wishart: Perhaps he has improved the situation by shortening the number of municipalities. He would not have increased the firefighting forces, of course.

But that was the situation with our latest statistics, which are quite recent—159 have no fire departments of their own, but purchase fire protection from adjacent municipalities. There are 647 fire departments and 159 municipalities have no fire department but have arrangements with other forces in other municipalities. The balance of 128—this is the correct figure—are without fire protection of any kind.

I would point out that they are widely separated, small, and I am not even sure that physically, having regard to the distance, you could integrate them. They are not capable, unless they were supported almost entirely by public funds, of maintaining any fire force. I would point out that those 128 municipalities represent only 153,000 people, out of our total population of some seven million.

I know you are going to say to me the individual life is important, but my point is that we cover pretty thoroughly up to 90-odd per cent of the people.

Mr. Ben: It is still an average of 1,000 people per municipality—almost 1,000 people. Do you not think 1,000 people merit some kind of fire protection?

Hon. Mr. Wishart: Not per organized municipality, I think.

Mr. Ben: You stated 159 had no fire protection and you say there are 153,000 people in these municipalities. It is just a little less than 1,000 people per municipality.

Hon. Mr. Wishart: I am not questioning your mathematics at all, but I still say that the problem is there of how to maintain an organized fire force. You could perhaps have a volunteer force of some character and some capability but—

Mr. Ben: Well, you said no fire forces.

Mr. Deans: No, there is nothing at all in these.

Hon. Mr. Wishart: There is nothing at all.

Mr. W. Hodgson (York North): Mr. Chairman, do a lot of these unorganized municipalities not have fire protection from Lands and Forests?

Mr. Deans: No, not these ones.

Hon. Mr. Wishart: No. I am aware that if there were a forest fire on the edge of those

hamlets, small towns, and it was a danger to the community, Lands and Forests would give assistance on request and does. But that is not really an organized, regular thing.

Mr. Deans: The question I want to raise—

Mr. Chairman: Order, please, gentlemen. I know this is an interesting subject but I am trying to keep some kind of order here today. I have on my list the member for Downsview, the member for Wentworth again, the member for Parkdale (Mr. Trotter) and the member for Renfrew South, and I will be happy to put any others down on the list, but I would like to try to keep this in some semblance of order throughout this discussion while still maintaining as much freedom of discussion as possible.

The member for Wentworth indicated he had a simple little question and I attempted to—

Mr. Deans: Yes, I want to ask the Attorney General—

Mr. Chairman: Turn it over to him first and then come back to the member for Downsview.

Hon. Mr. Wishart: I trust you will come back to me, Mr. Chairman, because I am not finished.

Mr. Deans: I am sorry. What I want to say to the Attorney General is that I recognize the difficulty in providing fire protection, but I do believe it is possible in every municipality in the province to have the fire marshal's office provide a fire prevention programme that will be carried out throughout the municipality, and that we might well be able to cut down on the fire loss even in those municipalities that have fire departments, if this were undertaken at a fairly small cost to the province of Ontario.

As I understand it there are 720 municipalities in the province that have no fire prevention programme and I believe from the records of those municipalities that have fire prevention programmes that the cost is far outweighed by the benefit that is received. The saving in terms of life and in terms of property damage is great because of the efforts in terms of fire prevention, and I am asking the Attorney General if he would embark on that kind of a programme, a minimal-cost programme with tremendous benefit.

Hon. Mr. Wishart: Mr. Chairman, as I said, we have been studying the recommendations. Some of this work I think is under way and

I am going to ask the fire marshal if he might say a word about it after I have finished commenting and refer to this very recent publication which covers the first quarter of this year, "The Development of an In-Service Fire Prevention Programme." I think it is along the line that the hon. member is talking about and I will call on the fire marshal if I may, Mr. Chairman, in a moment.

I wanted to refer to the hon. member's comment about radioactive shipments of dangerous materials that are likely to cause fire. I have a note here; perhaps the easiest way to give it to you is to read it:

Another important service provided by the fire marshal's office to municipal fire chiefs is the notification of licensed users of radioactive materials within their communities and also dangerous shipments of such materials to the municipalities. This permits the fire departments to inspect the premises where the materials are being used or stored, to placard the areas in order that the health of the firefighters may be protected when fighting fires in such buildings.

This office advised the fire chiefs of 589 licences issued involving 6,155 dangerous shipments in their municipalities.

Mr. Chairman, you have other members and perhaps it may be well to invite them to speak now. I thought of having the fire marshal say a few words.

Mr. Chairman: Would you prefer to have him speak later?

Hon. Mr. Wishart: After the other comments, yes.

Mr. Chairman: Very good, Mr. Minister. I call on the member for Downsview.

Mr. Singer: There are two points I want to raise. We are in the throes of much municipal reorganization and the creation of many regional municipal governments. The new one of York we talked about yesterday; there is Muskoka; Sudbury is on its way because of Mr. Kennedy's report; Kitchener-Waterloo; Niagara, and so on.

In none of the bills and in very few of the reports has there been any reference at all to fire services or unification and consolidation of fire services, and I wonder if in any of these reports the persons commissioned to make the reports have been in touch with your office or with the fire marshal and whether or not you have any opinions, because it would seem to me that as we progress in municipal reorganization, it is the

ideal time to do something about improving fire services.

Metro has had substantial difficulty. The unification of the Metro police force did not come in the original Metro Act. It came as the result of the recommendation of a special committee of Metro council in 1957, and the unification of the force came about in 1958. Some of us on that committee—I was on that committee—suggested that there be a unification of fire forces. That was not the majority view and that never went forward to government; it is very difficult because you are treading on a lot of political toes in this kind of a suggestion. So it would seem to me as sort of an ideal time as these new regional government propositions come forward and are reflected in legislation to give serious consideration to this. I have seen no indication at all that the Attorney General's department, or the fire marshal, had figured in any of the discussions in this regard.

That is the first point. Perhaps we could deal with that and then the second point?

Hon. Mr. Wishart: I would like to speak to that, Mr. Chairman.

Mr. Chairman: Yes, Mr. Minister.

Hon. Mr. Wishart: There have been very definite studies in the regional government proposals about consolidation of fire departments, particularly the administrative side, and discussions with the fire marshal and with us in the office. These things are not, as the hon. member said, as easy to accomplish as, perhaps, police consolidation is. My own impression is that even in municipalities, or a single municipality, you still, to some extent, decentralize your firefighting forces in stations here and there throughout the municipality. There is a difficulty when you speak of separate municipalities—Metro Toronto is a pretty solid area of population right through—but when you are talking about several municipalities somewhat separated in a county, there are different considerations which apply even to that situation. I would leave it at that, Mr. Chairman, and when the fire marshal speaks he might deal with that point as well. We have had discussions, and studies are being carried on with respect to it.

Mr. Singer: The second point I wanted to make, Mr. Chairman, was in relation not only to the inspection systems. When the member for Wentworth was talking he talked about fire precautions in homes for the aged and nursing homes and that sort of thing. I had occasion to raise in the House

some of the dangers that I think exist in Lawrence Heights where there was a fire recently. One of the things that particularly caught my attention was the fact that the fire alarm bell had to be hand actuated. You stand and pull the chain and it gives one clang of the gong. If the person has a lot of fortitude and can stand the smoke and the flames lapping around his knees, perhaps some kind of alarm can be given. One of the recommendations—

Mr. Ben: Maybe when they pull the chain water should come down.

Mr. Singer: —that emanated from that problem was the replacement of this hand-actuated system by an automatic system. It would seem to me, Mr. Chairman, that there should be some kind of mandatory power given to, perhaps, the fire marshal to order this kind of safety precaution installed where in fact it does not exist. The minister responsible for housing took great delight in pointing out that when the permit for these buildings was given I happened to be the head of that municipality. The permit was given in accordance with the local bylaw.

Hon. Mr. Wishart: Was that bell there?

Mr. Singer: That is probably quite true but I would think that the fire marshal should be much more knowledgeable about effective fire alarm systems than those people who draft municipal bylaws. When it becomes apparent in a large apartment complex there is not a good alarm system, it should not wait for either the owners of the apartment building or the local councillors to catch up with the latest advance. There should be someone who can come in and say, "This is a bad system, change it."

Interjections by an hon. member.

Mr. Chairman: Gentlemen! I have names on a list here and I would like to keep this in a semblance of order.

Mr. Ben: I wanted to comment on a point made by the hon. member.

Mr. Chairman: Limiting your comment then to that one point?

Mr. Ben: Yes.

Mr. Chairman: All right.

Mr. Ben: Since some of these apartments that are put up have only a manual fire alarm, should not all these apartments perhaps have sprinkler systems in them?

Mr. Chairman: Perhaps we could ask Mr. Hurst that when I call on him in a few moments.

The member for Parkdale.

Mr. J. B. Trotter (Parkdale): Mr. Chairman, I would like to know if the Attorney General could tell us what control the fire marshal has over the fire regulations in buildings owned and operated by the Ontario government? For example, I know of two instances that disturb me. The hospital at Aurora for retarded adults is what I consider to be crammed with people. The building is not too old, it is in fairly good condition, but there is also a building for retarded females at Cobourg which is extremely old, as well as having a large number of patients. In fact, that building is so old I think part of it was standing when Egerton Ryerson was teaching there and that goes back before the days we even had a country here.

But if you go through these buildings, you cannot help but be concerned about the fire regulations. I have on occasion asked about it and I have been told that the local people do not object. Certainly if I was the Ontario fire marshal I would object. I was wondering what control you have over such buildings as that?

Hon. Mr. Wishart: Mr. Chairman, we have in the fire marshal's office a branch which inspects the plans of all new government buildings. It checks them and sets forth the requirements and then approves them when they have met those requirements.

My understanding is it also checks the fire protection in all government buildings, that this is part of the duties of that branch, and that that is continually under surveillance and checking.

I was going to mention Public Works, which is responsible for the maintenance of government buildings. It has a fire inspection branch of its own—their own people, who do it by request.

We do the inspection with respect to hotels, in connection with Tourism and Information and in co-operation with the liquor licence board, which has certain requirements in the issuing of licences, and they have very strict fire protection.

Perhaps Mr. Hurst will enlarge upon what I have said when he speaks on that.

Mr. Trotter: Mr. Chairman, I can understand them being strict as to hotel regulations, and so they should be, but I do not feel they are strict at all about the regulations regard-

ing particularly the two hospitals that I have mentioned. There seems to be one rule for hotels and they do not seem to worry too much about the patients. Maybe that is my general impression.

Mr. Chairman: The member for Renfrew South.

Mr. P. J. Yakabuski (Renfrew South): Mr. Chairman, I have a question, getting back to the municipalities—

Hon. Mr. Wishart: Mr. Chairman, I wonder if I could tell the hon. member and you, sir, I think I should point out that some of the buildings—perhaps not the ones the member for Parkdale mentioned—but in our recent assumption of responsibilities by government which were formerly municipal responsibilities, we took over a good many buildings built many years ago. Some of the requirements to modernize those buildings with respect to fire protection are extremely difficult in the way of construction and in the way of financing.

I know there is a great urgency about it, but it is not something which can be done just by a snap of the fingers, or overnight. As I say I just mention that, but I will ask Mr. Hurst to enlarge at some length upon what I have said.

Mr. Yakabuski: Mr. Chairman, getting back to the municipalities that have or have not got some form of firefighting organization, could the minister, through you, Mr. Chairman, tell us how many of those municipalities would be in organized territory? Are they all in the districts or are some of them in—

Hon. Mr. Wishart: I think they are mainly in organized counties.

Mr. Yakabuski: Mainly in organized counties?

Hon. Mr. Wishart: Yes. I cannot give you details.

Mr. Yakabuski: So it is not the districts in the north that are lacking so much in firefighting?

Hon. Mr. Wishart: No, I think not. I have not a breakdown on that, but my general knowledge is that they are counties.

Mr. Yakabuski: And the other matter I had was when we were talking about safety programmes. We have had in the province over a period of 10 or 15 years several disasters. We are thinking of Hurricane Hazel, we are thinking of the Sarnia tornado, we are think-

ing perhaps of your own area just recently with the flood damage. We do know that in some municipalities, in some places in the United States, they have on file in these areas that are more susceptible to disaster, a disaster plan. Has anything ever been done in this province or in this country along these lines?

We are getting highly organized in many sectors and I know something was done in the Metropolitan Toronto area, perhaps after Hazel. But are we moving in this area insofar as safety is concerned in the province of Ontario?

Hon. Mr. Wishart: Mr. Chairman, if you had been here yesterday, the member for Downsview, supported by some other members, wanted us to dispose of all our safety programmes, which was known as "emergency measures."

Mr. Singer: Just EMO—not safety programmes.

Hon. Mr. Wishart: Well, perhaps that was not quite a fair statement so I will retract it to some extent. But we have emergency measures, which is a federal programme and which is quite a large programme in its design, and we did cover it yesterday.

I read the federal objectives. We are asked as a province to co-operate with it and to provide an emergency programme for fire, for flood, for disaster—generally by hurricane and particularly for disaster that might occur from fallout, in the case of hostilities—or for destruction of buildings. Our programme is designed and generally directed in its main objectives by the federal government.

We are asked to maintain skeleton organizations of people who can be trained in firefighting and first-aid and the giving of medical attention, the storage of medical supplies—all these things. Emergency Measures Organizations have acted in a number of instances where we have had flood damage and other types of emergency damage.

But some of the discussion yesterday—and I will not direct it at the member for Downsview—was that a good deal of this was wasted money, that the emergency was not likely to occur. I think the general thought is that perhaps since we do not have the emergency before us and possibly not any immediate danger that the public recognizes at least, our efforts are not very well spent and our money is not very well spent.

But we do have in most areas of this province Emergency Measures Organizations.

We devote roughly \$325,000 as our share, the municipalities share to a smaller extent and the federal government to a much greater extent, possibly 75 per cent.

Mr. Yakabuski: Mr. Chairman, I do want to apologize for not being here yesterday because I was attending a very important function in the great riding of Renfrew South. But I am surprised that the member for Downsview yesterday would object to emergency measures, because we all know—

Mr. Singer: On a point of order, Mr. Chairman.

Mr. Chairman: State your point of order.

Mr. Singer: We passed the emergency measures vote. If it is the decision of the committee to reopen it, then I will be very happy to answer the member for Renfrew South. If not, then let us get on with the business.

Mr. Chairman: I am trying to call the member for Renfrew South to order on this point. Indeed we did pass that last night.

We are on fire safety services. Does the member for Renfrew South have anything further on the subject matter of fire safety services?

Mr. Yakabuski: Not at the moment, Mr. Chairman.

Mr. Chairman: I would like at this stage to call on Mr. Martin Hurst, our fire marshal for the province. Perhaps Mr. Hurst would like to take the microphone at the foot of the tables here.

Mr. M. S. Hurst (Fire Marshal): Mr. Chairman and gentlemen, I will endeavour to answer the questions as they have been raised.

The member for Wentworth raised the question of the importance of fire prevention and fire protection generally, and I cannot, of course, disagree with that. The prime function of a fire department is to minimize the chances of fire occurrence, and, if they are not successful in doing that, they try to minimize the loss from fire once it has occurred.

It is my feeling that the some 20,000 fire-fighters in the province should be actively engaged in fire prevention measures, on a year-round basis. To that end, we published an article in our quarterly news of last month, in which we outlined the principles of developing an in-service fire prevention programme and we submitted our report to The Department. It is rather a lengthy article of some four or five pages.

We followed that up just recently—as a matter of fact, last week—with another circular to all fire departments entitled “Are You Committed to the Total Task?” The essence of that article was to devote just as much time to minimizing the chance of fire occurrence as to minimizing loss from fire once it had occurred. We also offered to the fire departments, free of charge, the pamphlets that our office produces for their assistance in this particular programme. I would completely agree with the general philosophy that the member has propounded—that there should be fire prevention services offered to the citizens of this entire province.

With respect to the hon. member for Downsview's comment on the fire protection reviews, at least local government reviews, each local government review that I have seen, and indeed all of the reviews, have commented to a more or less extent on fire protection. Some had indicated there should be regional fire departments; others have not gone quite that far. I believe in the last review I saw from the Waterloo area, Mr. Fyfe suggested that there should be a county fire department under one of his schemes.

I would agree with this general approach to fire protection. I think that larger units of fire protection are much more efficient and much more effective. I only base that upon the experience of the United Kingdom where, I suppose, they have had the most experience in this field. Prior to the Second World War, there were 1,600 fire departments in the United Kingdom. They were brought to one fire department known as National Fire Service during the war. After the war they reverted to local authority, but they reverted to county and county boroughs. Today there are 137 fire departments in the United Kingdom.

The Holroyd report on the fire service has not been released as yet, but there are some indications that that report may suggest that the 137 be reduced to some 40 or 50 fire departments.

Fire protection in the United Kingdom, of course, is mandatory and all citizens of the United Kingdom receive fire protection.

The other question that was posed by the member for Downsview was with respect to fires which occurred in the Ontario Housing Corporation developments. We conducted rather extensive investigations of those fires ment of Trade and Development and made several recommendations for improvement which included changes in fire alarm systems and so forth.

With respect to the question from the member for Parkdale as to how fire safety is provided to government buildings and other government agencies, as the minister has pointed out, The Department of Public Works is responsible for fire safety in government-owned and leased buildings. As far as the fire safety in hospitals is concerned, the responsibility for the maintenance of fire safety in hospitals is vested in the Ontario Hospital Services Commission, which has several officers who do make checks in hospitals for fire safety.

Mr. Trotter: Have you got any control at all over any of these buildings if The Department of Public Works owns them? they are in its name. Have you no control at all?

Mr. Hurst: Yes, we could operate, I suppose, in conflict with that department, by exercising our authority under The Fire Marshals Act. But we are in close consultation with the department. The first thing, of course, as a new government building is designed, the plans are referred to our office for review and approval to ensure that fire safety is built into the buildings. We do the same for all hospitals and various buildings.

Mr. Trotter: Mr. Chairman, there was one thing I cannot understand. For example, in the building, let us say, in Aurora, for the retarded adults, I have seen the beds so close they are about a hand's width apart. I have measured it. I am told they have improved it somewhat; this I do not know. Surely the Ontario government, and your office, if they were aware of it, would not just say "It is the responsibility of The Department of Health; it is the responsibility of The Department of Public Works." What is the use of having a fire marshal if you do not go after that stuff?

Mr. Hurst: Mr. Chairman, I suppose the only answer to that is that the system that has been developed in the government over the years as to the responsibility for fire safety seems to work reasonably well. There is a report now before the Minister of Municipal Affairs which may have a tendency to consolidate some of these matters if the report is accepted. I refer to the report on uniform building standards and uniform fire safety codes. This is a matter, I believe, that The Department of Municipal Affairs is considering now. Having read the report and commented on it, I would say that there would probably be changes in the system of providing fire protection if the report were adopted.

Mr. Ben: Mr. Hurst, because it has become a custom for the building department—The Department of Works—to look after its own buildings, does that preclude you or deny you the right to go into a government building and enforce the law of the province of Ontario, insofar as breaches of fire regulations are concerned? For instance, in Smiths Falls, beds were right next to each other; or Orillia, as well as Aurora. Does that preclude you from going in there and saying, "I am the fire marshal. It is my responsibility. I do not care what the works department does, you clean up this mess, and clean it up now." Are you precluded from doing that?

Mr. Hurst: Mr. Chairman, no I am not. As the fire marshal I can issue discretionary orders under section 19 of The Fire Marshals Act. However, if I do issue an order under The Fire Marshals Act, that order is not appealable at all.

The system has been that local assistants to the fire marshal had the same authority with respect to order remedial measures where hazards have been disclosed, and this is done by some 1,800 assistants to the fire marshal that are designated each year.

Mr. Ben: Have you ever issued an order under the Act to a public building?

Mr. Hurst: I have never personally issued an order for the reason that I have given. I feel that all orders that are issued under section 19 of the Act should have the full right of appeal. If I take that action myself, there is no appeal from my orders.

Mr. Ben: So you would rather permit a situation to exist than issue an order that is not applicable? Would you tell me, would you issue an order believing it to be wrong?

Mr. Hurst: Mr. Chairman, I am not quite sure of what the question is.

Mr. Ben: Well, your concern is about the right of appeal, the right that the government has to appeal. We are talking about the government; you are saying you do not want the government to be denied the right to appeal. On the other hand, it is your responsibility to see that these buildings are safe.

Mr. Hurst: of course we will accept that you would not issue a vexatious order—you would not exercise your rights under that section unless you were dead sure that there was a violation. Since you would not issue an order unless you were dead sure that there was a violation, then why worry about the subject matter of the appeal?

Mr. Chairman: The member for Downsview.

Mr. Ben: Well, let him answer.

Mr. Singer: Mr. Chairman, there are two questions I wanted to ask arising out of your reply to my question. You said you noted with interest and probably with approval, Dr. Fyfe's recommendations in his report? But really the thrust of my question was were you consulted by Dr. Fyfe while he was doing his study?

Mr. Hurst: Mr. Chairman, in answer to the member for Downsview, if you have read the report you will see that Dr. Fyfe has printed in the report all of the reasons I give for having regional fire departments, and therefore Mr. Fyfe himself did not consult with me but one of his research officers did.

Mr. Singer: I see. Do you have a standard system of advising these various people, or is it only because Dr. Fyfe consulted you? Were you consulted, perhaps, by Mr. Kennedy or Mr. Kennedy's people in the Sudbury area? That report has just come down.

Mr. Hurst: Mr. Chairman, I cannot recall all of the review commissions, but I would say the majority consulted with me. I am quite sure about the review commission in Niagara, I know they consulted with me. The one for Muskoka district consulted with me. Those are clear in my mind. I think most of them consulted with me.

Mr. Singer: My problem probably is more directed to the Attorney General rather than to Mr. Hurst who will, I am sure, co-operate with whichever commissioner is making a particular investigation. That problem is surely the Attorney General should insist, whenever one of these inquiries is undertaken, that there be a consultation with officials?

Hon. Mr. Wishart: I think that is generally our policy; perhaps I have not specifically stated it.

Mr. Chairman: Could I ask Mr. Hurst if he has any further comments?

Mr. Singer: There was one more question I wanted to ask Mr. Hurst.

Mr. Chairman: The member for Downsview has one further question.

Mr. Singer: Concerning your report relating to Lawrence Heights which was read to us during the housing estimates, what I really was asking was is there any ability, or

should there be an ability, to enforce the recommendations within a minimum period of time? I am disappointed at the slowness with which the recommendations are being implemented.

Mr. Hurst: Mr. Chairman, my experience has been when we do make recommendations to government departments they are implemented within a reasonable period of time, I would say. I am not sure of the financial resources of the department with respect of these matters—if they have put money aside—but we would say that we would be looking into it within a reasonable period of time to see how they are getting along.

Mr. Chairman: Mr. Hurst, do you have any further comments?

Mr. Hurst: No.

Mr. Chairman: You had made some notes and I was not sure that you had been able to complete those notes and your comments on them when the discussion was entered into with you.

Mr. Hurst: Well, Mr. Chairman, there was just one comment from the member for Renfrew South with respect to emergency plans.

There is an emergency fire service plan for the province. That plan, in essence, outlines the policy under which county and district emergency plans are developed for the fire service. They are now developing natural emergency plans—that is the peacetime disaster plan—as well as the national emergency plans.

Mr. Chairman: Thank you, Mr. Hurst.

Gentlemen, is there any further discussion under fire safety services? That section of the vote will carry.

Coroners' investigations and inquests. Mr. Lawlor.

Mr. J. E. Bullbrook (Sarnia): Could we have the camera turned back on?

Mr. Singer: It is getting lonesome in here now.

Mr. Chairman: The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): I am waiting for your member; he has something to say.

Mr. E. R. Good (Waterloo North): Mr. Chairman, I have just been called back to the House, The Muskoka bill is coming on again, evidently. I have just one short question to ask the Attorney General.

Mr. Chairman: Certainly, the member for Waterloo North. I am sure the member for Lakeshore would have no objection to yielding the floor for the member for Waterloo North.

Mr. Good: Thank you, Mr. Chairman, and the member for Lakeshore. This has to do with coroner's service in Waterloo county, particularly the cities of Kitchener and Waterloo. For the past three years we have had what I consider inadequate coroner services—

Hon. Mr. Wishart: Inadequate?

Mr. Good: Inadequate in the cities of Kitchener and Waterloo in that we were without coroners completely for a while. One coroner was away for a considerable length of time; we had another one appointed a year ago who resigned some two months ago, and now the one existing coroner has given notice and he is leaving. In fact, I think he is leaving next Monday, which means that we will be without coroner's services for the cities of Kitchener and Waterloo, except for one who is going to move into the area in the near future but is now commuting from Hamilton.

I know there is a problem and I am wondering, first of all, if this is general across the province or if it is just in the Kitchener-Waterloo area. It seems ever since the regulation requiring the older coroners to retire at age 70 has come into effect, we have had difficulty, I feel, in having sufficient number of coroners there. This, of course, impedes the work of pathologists as well as of funeral directors of the area.

In my view, and I think I stated this two years ago when we had this problem, there should be three coroners in the cities of Kitchener and Waterloo. The answer which was given at that time was that you were trying to change the idea of a coroner more or less into a fulltime coroner—

Hon. Mr. Wishart: When was this?

Mr. Good: About two years ago. I discussed the same problem with you. Since then you have appointed coroners and they have both quit. First of all, I would like to know whether this is a general problem or is just peculiar to our Kitchener-Waterloo area, and whether you would seriously consider having three coroners? We used to have three coroners in the cities of Kitchener-Waterloo when the population was just a quarter of what it is now. In the last two years we have had only two. There was no co-ordination so that when one was away, the other would be there, with the result we had to use the

coroner's services from neighbouring communities, some 12 or 15 miles away.

While they are in the same county, and I know a coroner can operate anywhere within a county, certainly the majority of the population is in the area of Kitchener and Waterloo. I think we have been suffering from very inadequate coroner services in our area. I am wondering if the Attorney General is aware of this; if he could take it up with Dr. Cotnam and see if it cannot be resolved on a more permanent basis than it was the last time, two years ago. Now we are right back where we were then.

Mr. J. R. Breithaupt (Kitchener): Could I just raise one point in that area? In speaking with police authorities, I have been told that it had been the practice of someone like Dr. Lynne-Davies to give the kind of service that, within 10 or 15 minutes, he would be present at the scene of an accident, if needed. We were resolving about 1,200 cases, I think, within the year in which coroner's certificates were required. In the present situation, as my colleague has said, with Dr. Lang retired, with Dr. Belyea retired, Dr. Christ having left, and now Dr. Lynne-Davies leaving, I think that we have a fairly serious situation in the Kitchener-Waterloo area. We bring it to your attention, Mr. Minister, because of the fact that Dr. Lynne-Davies will be leaving us. We have had some service, I believe it is from Hamilton, on a temporary basis. Of course, this is not good enough.

Hon. Mr. Wishart: Mr. Chairman, I am glad the members have brought this to my attention. I was not aware that you were losing Dr. Lynne-Davies, and that you will then be down to none, although there is one coming in. To answer part of your question, this is not the general situation. We do rely on the coroners themselves, the police, the judges, the crown attorneys, to report to us if there is a shortage. Of course, we have knowledge of the resignations and of those who retire, but my statute only reads to retirement age. It is not a difficult thing to meet these situations.

Mr. Good: It was last time.

Hon. Mr. Wishart: Perhaps I should put it this way. There are some doctors who do not care to take on that work. On the other hand there are a great many doctors who are quite eager and anxious to be appointed coroners and who like the work and give good attention to it. I can attend to this situation, I am sure, but ordinarily the supervising coroner would have knowledge of this

situation, and would be inquiring as to what doctors are available and would be reporting to myself for a recommendation to cabinet for an order-in-council making the appointment.

Mr. Chairman: Does the member for Waterloo North—

Hon. Mr. Wishart: I have made a note of it. I shall get in touch with him and I am sure we will cure that situation promptly.

Mr. Chairman: Very good, Mr. Minister. Does the member for Waterloo North—and I apologize to him for not referring to him earlier—have anything further on the subject?

Mr. Good: No, that is fine, thank you.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, now that the lights have gone down, we may settle down to serious hard work—

Mr. Singer: It is lonesome in here now.

Mr. Lawlor: —for those who have propensities—

Hon. Mr. Wishart: There was an implication there that we were not working.

Mr. Lawlor: —to retire into quietness. I have been deputed—you will be pleased to learn this—by my colleague, the Reverend Dr. Morty Shulman, to—

Hon. Mr. Wishart: Reverend, yet!

Mr. Lawlor: —I think he may be a monsignor secretly—to bring some matters to your attention, which I trust will not take too long. In looking at his press release of May 13, called “How Not To Conduct an Inquest,” he says:

On May 8, 1970, an inquest was held into the death of Mr. Edwin Matthews at the Essex county courthouse at Windsor. Mr. Matthews had been a passenger in a car driven by a Mr. Jerome Johnson and one of the duties of the inquest jury was to determine if Mr. Johnson had behaved properly in the circumstances. In view of this, the act of choosing the five jurymen to include Mr. Leonard Taylor, Mr. Johnson's first cousin, is incomprehensible.

In other words, Mr. Johnson is the driver of the vehicle responsible and, at least to a point, a responsible party to this accident.

Mr. Taylor stated to my investigator that he too thought it unusual and pointed it

out to the OPP officer who subpoenaed him but was told he should act anyway.

Further to this, Mr. William Matthews, brother of the deceased, states that he knows the other four jurors and although they are not related, they are all acquaintances of Jerome Johnson, the driver of the vehicle.

The jury found that death was accidental and blamed neither Mr. Johnson nor the driver of the car which struck Mr. Matthews.

And there is a press release here giving the details of the accident. Surely it is a reprehensible matter.

If one looks at chapter 37 of McRuer, at the innumerable counts he makes against the operation of coroners and inquests, he makes 15 separate and distinct recommendations which are very searching and brings the whole institution I think under severe scrutiny. I will not review them. Curiously enough, Mr. McRuer says very little about the jury operation within the system, but can the Attorney General possibly take issue with a statement that juries in this kind of inquest ought to give at least the appearance of being neutral, of being without an axe to grind and certainly ought not to be related in blood relationship to one of the people who is in effect a prime actor in the investigation?

As you know in all other forms of juries there are various forms of preemptory challenges that you may make—normally you can have 20, I believe, on a capital offence and down to five or four in ordinary cases—and then you may challenge for cause any number of times. And challenging for cause is a fairly wide thing as I remember, having to do with whether there is any interest of a definite and determinate nature on the part of one of the jurors in the issue of the case before the court.

This is a quasi-judicial body to say the least. Mr. McRuer would make it a far more rigorously conducted judicial body. He points out that the whole realm of civil rights legislation, the business of being able to call witnesses and cross-examinations and various forms of protection he seeks to give to the civil rights are not offered here and ought to be. In this one area alone under The Coroners Act a coroner may select five people from the voters' list, but if he cannot find five people willing and ready to serve, if they do not show up, he can select people at random from the surrounding audience. I suppose it is like our juries elsewhere—you can go out in the street and bring people in. But in this case

they are all people who know one of the persons in question and it is a very blatant piece of business with the first cousin sitting on the jury.

Hon. Mr. Wishart: Mr. Chairman, if the hon. member will permit me. Without his pursuing that further I would like to say at once that I do not condone that at all. Of course I think that is not good; I do not know whether I should say reprehensible. When that man was selected, if the relationship were known to the coroner or to those who summonsed him—and usually this is done by the police to assist the coroner—and that it was a wrongful thing to do, that it was not a sensible or wise or proper thing to do, possibly what happened here was not that it was not known, but I do not know that. I think the man himself, if he knew it was his relative—even at the distance of first cousin—who was going to be subject to inquiry in a coroner's inquest, he might have made his relationship known. I am quite sure in that case he would have been dropped from the list.

Mr. Lawlor: The statement, Mr. Attorney General, if I may, was that he did. It was pointed out to the OPP officer. Of course it should have been pointed out to the coroner.

Hon. Mr. Wishart: He should not have been on that; I make no question about that.

I would point out, however, that the function of the coroner's jury was to find out how, where, why, and by what means the deceased came to his death. It is not the function of the coroner's jury to find that there was criminal negligence or gross negligence or to make any findings in those terms. And the coroner's inquest finding, while it is a public report, a public forum, is not evidence in a trial, although I admit it might have some bearing.

However, the main point is that if there was negligence of a criminal nature, it would be up to the police from their investigation to lay a charge and the evidence would be given in a criminal court at a proper trial. If there was civil negligence, regardless of the finding of the coroner's jury, the other party may sue and have the matter of civil liability determined in a civil court.

But I premise all the remarks on my original statement that I do not think it was proper that this man should have served on that jury. The matter was brought to my attention but I did not think it was so serious in the light of what I have said as to the effect of a coroner's jury finding, to vitiate

that inquest or the finding that he came to his death by accident. Those other remedies were available.

I would like to add this, that I have not been entirely content or satisfied with the coroner's system, as it operates in this province for some little time. I have given it considerable study. I have made some proposals by way of what I would like to think of as forthcoming legislation. But before producing such legislation, I referred the matter, I think perhaps some six months ago or thereabouts, to the law reform commission for a study.

While the hon. member for Downsview may smile, I think this will be a most effective and most thorough study in depth. I am hopeful that from that will come a report which will greatly improve our coroner system. I am quite confident that that will happen. The committee is working on that now. Studies are being done and interviews are being made. I think we may look forward to what I am sure will be a very helpful and profitable report, which will, I am confident also, result in legislation.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: I trust that will be so. As I look over the report of the law reform commission, those boys are loaded with work. I hope that they can carve out a little space of time in which to view the whole situation on coroners, too, but if it goes beyond six months, it will be too long. The need is urgent. In the report of Mr. McRuer, and it is evident it is in our guide post, he has outlined and has made abundantly clear the various inequities that exist here throughout the whole realm of coroners and their functions, and particularly with respect to the inquests. I would think that too much more investigating really would not have to be done.

Hon. Mr. Wishart: I should add, Mr. Chairman, if the hon. member will allow me, before referring it to the law reform commission, it was my feeling—which I stated to Mr. McRuer—that there were some areas that he had not touched on. He had not made recommendations with respect to certain things that I felt should be covered. I had an interview with Mr. McRuer and discussed this whole matter with him. He agreed with me and was good enough to write me confirming what he thought were areas that should be further studied. He, of course, is a member of and vice-chairman of the Ontario Law Reform Commission. So this was done

with his understanding and his approval. I think the report will be forthcoming without a great deal more time, because I know the commission has been working steadily on this matter.

Mr. Lawlor: Sometimes, Mr. Chairman, the Attorney General has certain advantages in terms of an inside track.

Hon. Mr. Wishart: This is so true.

An hon. member: A masterpiece of understatement there.

Mr. Lawlor: Yes, I like understatement; it has no less impact than overstatement.

The second matter that I want to bring before the committee, Mr. Chairman, with your indulgence, has to do with an autopsy carried out on a Mrs. Margaret Humphries, 92 years of age. I am looking at a letter sent by Mr. Arnold Peters, MP for Timiskaming riding, to Dr. G. C. Dickson, hospital administrator for Kirkland Lake and District Hospital, in which he asks a number of, it seems to me, pertinent questions, arising out of the autopsy carried on in this case.

Hon. Mr. Wishart: What was the name of the deceased?

Mr. Lawlor: Mrs. Margaret Humphries. With your indulgence, I may read a bit of his letter, dated November 17, 1969, from Ottawa to Dr. Dickson, or the hospital administrator, anyway:

It was mentioned that the above-named died in the Kirkland Lake Hospital after being admitted for less than 24 hours. I understand she had been very sick over a period of a year and had been in hospital on several occasions. Between periods in the hospital she was a resident at the Chateau Nursing Home in Kirkland. I understand that she died on Thanksgiving weekend, and there was some question as to the cause of her death.

Although it was a holiday weekend, a pathologist was flown in from Toronto with an assistant, and only an hour-and-a-half before he had to catch a plane returning to Toronto. I understand he did a very nasty butcher job to the extent that the local undertaker was very concerned, and in fact could not properly display the remains. It was indicated that the pathologist himself, did an autopsy on the lower part of the body, which finally revealed the cause of death, and his assistant did an autopsy on the head, leaving very bad surgical marks on the forehead.

Questions I would like to know are: why this autopsy was undertaken on a person 92 years of age, who had apparently established over a period of a year by her attendance in the hospital, the reason for her long illness and probable cause of death; secondly, why a pathologist was flown in from Toronto for this job.

That second one is not too relevant simply because he was the local pathologist who happened to be down in Toronto at the time, and simply went back to carry out the autopsy.

Thirdly, why his assistant was allowed to massacre the cadaver in a manner that could not be corrected by the local undertaker? Who paid for the pathologist and his assistant to fly in? Who ordered this autopsy? Is it normal for a body to be hacked up in a manner that makes it almost impossible to display to the relatives?

That is the burden of the basic complaint. In reply to that letter of November 17, 1969, from Arnold Peters to the hospital administrator, Mr. G. C. Dickson under the letterhead of Kirkland Lake and District Hospital wrote to Arnold Peters as follows:

Hon. Mr. Wishart: Pardon me, did you say Mr. Dickson?

Mr. Lawlor: Yes, Mr. Dickson's letter to Mr. Peters.

Hon. Mr. Wishart: Is he a medical doctor?

Mr. Lawlor: I beg your pardon?

Hon. Mr. Wishart: Is Dickson a medical doctor?

Mr. Lawlor: It does not say. He is the administrator of the hospital.

Hon. Mr. Wishart: He would not necessarily be a doctor.

Mr. Lawlor: Not necessarily, no. It does not indicate whether he is or not.

Hon. Mr. Wishart: It is not likely he is.

Mr. Lawlor: To continue:

Since this was a coroner's case it was entirely out of the jurisdiction of this hospital. Under section 21 of The Coroner's Act, chapter 69, the notice of death was given to the coroner, and at that point came under the jurisdiction of the Attorney General's department of Ontario.

The pathologist—who, incidentally, serves this hospital and St. Mary's Hospital in

Timmins on a 50-50 basis, two-and-a-half days each week—and the morgue attendant, who lives in Kirkland Lake, were paid directly from the sheriff's office in Haileybury, as in each coroner's case.

As to the mutilation of the body, I can only refer you to the supervising coroner for Ontario, Dr. H. B. Cotnam, who had a full report on this autopsy.

In my capacity as administrator I am not at liberty to divulge any medical record of the patient. I have shown your letter to the coroner in question; he advises that you refer to Dr. Cotnam.

The reason the pathologist came from Toronto was that he was holidaying with his family in that city.

I am sorry to be unable to help you further, but again I must stress, once a coroner takes over it is entirely outside of the hospital's responsibility.

As a result of that, Mr. Arnold Peters then wrote to Dr. H. B. Cotnam, enclosing letters that he sent to Mr. Dickson. He goes on and says in the second paragraph:

I am still interested, on behalf of my inquiring constituent, to know the reason why an autopsy was necessary considering the age of the deceased and her long medical record. Secondly, I am interested in the manner in which these autopsies are conducted. This one was apparently very distressing to the members of the family.

He asks for further information, as a result of which, a Mr. E. J. Hills, executive officer from The Department of Justice, apparently working, according to the letterhead, under the supervising coroner's office, wrote to Mr. Arnold Peters on December 3, 1969, as follows:

An autopsy was ordered on the above-mentioned deceased person through Dr. J. M. LeBlanc, coroner, Kirkland Lake, Ontario. The autopsy was ordered because the death was unexpected and neither the attending physician nor the coroner could arrive at the cause of death. The age of the deceased was not a factor as regards the decision to perform an autopsy.

When a medical-legal autopsy is performed, the regional pathologists of this province have been instructed that such autopsies must be complete. One of the guidelines in the performance of a complete autopsy is that the skull must be removed. This procedure unfortunately can

cause distress to the next of kin, but it is essential to a medical-legal investigation.

The principle of performing complete autopsies is one that is accepted in all jurisdictions and all the experts that have written on the subject express the importance of this aspect of the autopsy, both because of the positive findings that may result, and because of the fact that negative findings are as important as positive findings in medical-legal cases.

In the case at hand, the pathologist, Dr. J. M. Park, has certified the cause of death—I will not go into it, it is medical terminology—

Hon. Mr. Wishart: What was it?

Mr. Lawlor: Infraction of the descending colon due to arteriosclerotic narrowing of the inferior colic artery. Which I would take it as having something to do with the heart.

On the medical certificate of death, the coroner, Dr. LeBlanc, has abbreviated the cause of death to "mesenteric thrombosis due to generalized arteriosclerosis." So it is obviously a heart ailment.

Hon. Mr. Wishart: No, it is not heart.

Mr. Bullbrook: She died of old age.

Mr. Lawlor: Well, they say it was kidneys.

Hon. Mr. Wishart: The intestines.

Mr. Lawlor: The intestines; all right.

Finally, to bring it to a head, Peters wrote to Shulman and said, in the second paragraph again, he is sending photostatic copies:

The family objected to the butcher job done by the pathologist and I object to an autopsy being done on a person whom a doctor is able to categorize as having died from a predictable disease.

This may be of interest to you.

I remain—

Hon. Mr. Wishart: Mr. Chairman, I really think that the letter from Hills, particularly, was quite a full answer.

It is true that the deceased person was well up in years, 92. But there was an unexplained death. Hospitals are required to report it, so that it goes out of the hospital's area; it goes into the coroner's field.

And it is a fact that there are requirements that if an autopsy is performed it must be complete. This would not be, by any means, the first or only case where, as a result of the

removal of the skull, it is not possible to display the body. At least one would not want to have it displayed to the relatives of the deceased.

It is something that people find it difficult, I think, to understand and this was a complaint by a relative.

I do not really have anything I can add. It seems perhaps a little out of the ordinary, I think mainly because of the age of the deceased. But the fact was that the death occurred apparently in spite of her age; the death was a very unexpected occurrence. It is essential to report it and if it is unexplained, it is proper to have an autopsy.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I was interested in the Attorney General's remarks about the studies now being embarked upon by the law reform commission.

Hon. Mr. Wishart: They have been under way for some time.

Mr. Singer: Yes. We are probably the greatest studying jurisdiction in the world. We study and study and study. We make progress very, very slowly.

As far back as 1965 there was some pretty serious discussion and criticism about the whole coroner's system and I would think that if the 1965 *Hansard* was here, the Attorney General replied at that time. That was the first year he had taken over, I think.

Hon. Mr. Wishart: I took over in 1964.

Mr. Singer: 1964. Well it was in 1965 we had those questions.

Hon. Mr. Wishart: You left me alone in 1964.

Mr. Singer: I would think the Attorney General's answers then were much the same as they are now. "A very important question. We are going to have to look into it. We are going to have to study it."

No, you did not have the law reform commission. You did not have McRuer but you were going to look into it and there were a lot of good points raised.

Certainly the coroner's system, as many people have said—including the Attorney General, including McRuer, including many people in the House—cries out for reform, and I wonder how long we have to wait for real reform in so many of these important legal fields. Having said that, I do not think

I can say anything more on that. I think you move far too slowly to try to change these important facets of our legal procedures.

I wanted to draw to the Attorney General's attention some comments that were recently reported on in the papers, which were attributed to coroner Dr. K. R. Baxter. He is a Metropolitan Toronto coroner.

"Recommendations from coroners' juries regarding suicides in police cells are totally ignored by the authorities", says Dr. Baxter. "Toronto is lagging behind many other cities, including Montreal and Vancouver, in building central lockups, staffed by experts, to properly handle drunks who have been arrested," he said. Baxter made the comments at an inquest into the first suicide this year in Toronto police cells.

A man, his name is mentioned here, committed suicide at the East York Station on April 23. He had been arrested on drunk and disorderly charges. The coroner's jury decided after an hour's deliberation that this man committed suicide by hanging and that the police officers in charge showed no negligence.

In his address to the jury, Baxter said: "It is a dangerous time when a man is arrested and is sobering up. The disgrace of being in jail begins to weigh on himself and his family." The jury recommended that a central lockup system be implemented with qualified police and medical personnel present at all times to watch the prisoners. They recommended that bars and protrusions in the cells be removed and replaced by shatterproof glass.

Then in quotes from the jury's recommendations:

We are very concerned that similar recommendations made by previous coroners' juries have been largely ignored and ask therefore that these particular recommendations be brought to the attention of Superintendent Geno of the metropolitan police force."

I do not think Superintendent Geno is going to be able to do very much about these recommendations. The man who is going to be able to do anything is the minister, the Attorney General, and this is where the recommendations should come and should be acted on.

Baxter told the jury of three men and two women that sitting on many similar inquests has convinced him that suicides in police cells can be prevented only by 24-hour surveillance of prisoners. This can best be done in the central lockup and the

superintendent general says it will cost an awful lot of money to have a central lockup but he favours one even though it is going to cost an awful lot of money.

There it is. Dr. Baxter says that the recommendations of coroners' juries are largely ignored and that they are by and large useless. That is the tenor of the criticism that we put forward for a long time. There is talk about a central lockup. There is talk about protection of drunks in jail and I want to know if there is any point really in having coroners' juries investigate as this only one of many such recommendations. At one stage I brought in half a dozen and read them and said, "What have you done about this one, and this one, and this one?" Here is a summary. Here is the opinion of a coroner. I do not know Dr. Baxter; I presume he is a reasonably competent and capable coroner but he is just getting a little fed up with it. What are you going to do?

Hon. Mr. Wishart: Mr. Chairman, first of all I think Dr. Baxter, the coroner, might very well have made his comments to the supervising coroner or directly to the minister of the department under which he serves. Perhaps they would have been more quickly received and, if he supported them with his arguments, they might have been more effective. However, I do not want to suggest that he should not be free to speak if he feels that is the most effective way of speaking. I think there are better ways to accomplish his ends. I would say that first of all.

Secondly, I note that that situation you were dealing with was only the first suicide this year, so he is taking off four months. He is giving the implication that this is an occurrence that happens too frequently. I suppose one is too frequent—any suicide if we could prevent it—

Mr. Singer: Particularly with a man who is in jail—

Hon. Mr. Wishart: Right, but I just mention this to show that it was not the case of a great many suicides in this largest metropolitan area in this province, and second largest in Canada. There was one in this area at the time he was making his remarks.

Thirdly he suggests a central lockup, and if he had any conception of what that entailed I think he would know that it is almost not feasible at all. It would create a great deal of inconvenience. It would create a great deal of congestion. If we had to bring every drunk to a central spot in this city of Toronto,

I just do not know how he would achieve that. But I do not think he is thinking very clearly when he makes that suggestion.

You said that the superintendent did point out the difficulty but agreed with the idea. I wonder how far he agreed with that. We have thought about a central lockup but there are a great many considerations there that make it a pretty impossible undertaking.

Mr. Singer: Why do you not get superintendent Geno in and ask him how far he agrees?

Hon. Mr. Wishart: We have had discussions about this with the Metropolitan Toronto Police Commission over a period of time and you perhaps have observed that the chairman of that commission has suggested the possibility of this; we have pursued it with him and it is not a very feasible idea.

Mr. Singer: All right.

Hon. Mr. Wishart: The other point I want to make on the question of the recommendation to the coroner's inquest is that we have what I think is a very effective standard procedure, that the recommendations of coroner's inquests from all over the province come in to the supervising coroner's office. They are examined. If they affect the situation that the coroner himself can deal with, they are so dealt with. If they affect The Department of Mines or Public Works or the police commission or The Department of Correctional Services, they are sent to the persons in authority there for action and I think a great many of them are acted upon.

Some of the recommendations of coroner's juries—with much respect to their concern and their dedication and the thought they give to these things—are not feasible, and I do not know whether the central lockup was one of the jury's findings—it is apparently just Dr. Baxter's idea—

Mr. Singer: No, the jury recommended it.

Hon. Mr. Wishart: Well, some of the recommendations of coroner's juries, however concerned they may be, are not always the answer and they are not always feasible.

Mr. Singer: Quite apart from the niceties of Dr. Baxter's following the chain of command and submitting the report to the right person rather than 'sounding off—

Hon. Mr. Wishart: That is your term, not mine.

Mr. Singer: All right. I am interpolating what the Attorney General has said. Dr. Baxter obviously is not happy about the interest that law enforcement authorities—and it gets right down to you, Mr. Attorney General—

Hon. Mr. Wishart: That is right.

Mr. Singer: —are paying to these recommendations. Obviously something is wrong if you are going to have one gentleman at least who conducts coroner's inquests, who says "You are wasting your time. Nobody is going to pay any attention to the recommendations but we have to go through this nonsense in any event." Why have them? Either we pay attention to them or you should sort of call these fellows in and say, "This is not the kind of publicity that is going to help the course of the administration of justice."

What is the point of involving three men and two women in a coroner's jury who are going to get a nice little lecture from an apparent legal official, who is going to say, "Now you are here and you are going to make recommendations but nobody is going to pay any attention to them." You are antagonizing five members of the public; you are giving useless publicity, I suppose, that brings the whole system of law enforcement and the administration of law into disrepute. It is just an exercise in complete and utter frustration.

Hon. Mr. Wishart: If true. I did point out that the recommendations of coroners' juries go to a supervising coroner, of which system Dr. Baxter is a part, and that they are pursued and directed to the persons who act upon them. I have not got authority to say to the Metropolitan Toronto police organization, "Build a central lockup," even if I thought it were feasible. As I say again, I do not think that was the most effective way for Dr. Baxter, if he was very concerned, to achieve his objective.

Mr. Singer: Nobody is achieving any objective. We have a coroner who says, "I will tell you what I think but it is not going to do any good because nobody pays any attention, so let us make a recommendation and maybe this time something is going to happen". We need this reform in the coroners' system and we need it a little more quickly than it seems to be coming forward.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Let us go back to this Margaret Humphries' case for a few minutes. I

am not content to have it so lightly dismissed in the context. I am not questioning the competence of the coroner in any way. I am questioning, nevertheless, the exercise of the discretion in this particular case. I think the Attorney General ought to take it under advisement and give some directive to his coroners as to the way in which they should conduct their investigations. As McRuer says—

Hon. Mr. Wishart: Mr. Chairman, before you leave that, the hon. member says "the discretion." Whose discretion?

Mr. Lawlor: The coroner's.

Hon. Mr. Wishart: The coroner says he wants an autopsy.

Mr. Lawlor: Yes.

Hon. Mr. Wishart: Is that where you say discretion should lie? The complaint in that letter was the mutilation of the body, which was necessary in doing the autopsy.

Mr. Lawlor: In doing the autopsy?

Hon. Mr. Wishart: But the coroner, once he asks a pathologist to examine the body in a thorough way to determine the cause of death, cannot, I think, then interfere and say, "Do not cut the body here, or remove a part of the body there, so as to leave no evidence or scar or trace." The coroner exercises only the discretion of saying, "I think an autopsy should be done here because this is an unexplained death."

I do not think I can add much in spite of what Mr. McRuer says. Mr. McRuer is not talking about this case.

Mr. Lawlor: No, he is not.

Hon. Mr. Wishart: He is talking in general terms.

Mr. Lawlor: And he says this:

The purpose of a coroner's investigation is not merely defined in the Act or by the regulations, nor is the purpose of an inquest defined.

Hon. Mr. Wishart: This was not an inquest.

Mr. Lawlor: No, it was an investigation.

Hon. Mr. Wishart: It was an autopsy.

Mr. Lawlor: Under section 7 of The Coroners Act:

Any person with reason to believe the deceased died from a series of matters, including dying suddenly and unexpectedly, shall immediately notify a coroner of the facts and the circumstances relating to the death.

I am suggesting to you that from that flows the autopsy. He has to make a judgement at that particular point as to whether or not he feels an autopsy ought to be performed. Now here is a woman 92 years of age who has been ill for a considerable time, who had her own doctor. Nothing emerges as to whether her own doctor, Dr. Suter, had been consulted.

There is a section in the letter which I did not read to you:

It is my opinion also that in this case, Dr. Suter, who had been treating the patient for some time, would be able to reasonably say on the death certificate the actual cause of the death.

Hon. Mr. Wishart: Was he able to? Was Dr. Suter able to?

Mr. Lawlor: I am sure Dr. Suter was never consulted in this particular situation; the coroner simply went on. The woman had been in nursing homes and had been sick over a period of time; she had her own doctor.

Nevertheless they visited upon this family the unnecessary affliction, not only of the death, but of having a body that was deeply scarred right across the forehead.

Hon. Mr. Wishart: I just do not agree, Mr. Chairman, that it was unnecessary. There is no evidence whether Dr. Suter was able to determine the cause of death or not. Apparently the death was unexplained, but I take it that perhaps he was not uncertain.

Mr. Lawlor: Well, that was the family doctor, Dr. Suter.

Hon. Mr. Wishart: Anyway this specific case I would be glad to investigate further. I do not think it came to my attention.

Mr. Lawlor: I would ask you to look a little deeper into it. It is a little egregious—a little anomalous—with a person of this age, you know, having been ill as long as she was, that there should be the extra infliction of unnecessary autopsies in circumstances which superficially appear the way they are, according to the information I have got.

Hon. Mr. Wishart: Let us suppose that this woman, while she had been in hospital and receiving hospital care, had the possession of her faculties, was bright, cheerful and normal and eating properly, and had been there for some time and it has been a normal situation. Suddenly she is dead, and apparently the cause of death is a bit of a mystery. Perhaps if an autopsy had not been held, the relatives who complain about mutilation might have complained that it must be reported to the coroner, and the coroner does nothing and says no inquest is necessary. How then do you determine the cause of death?

Mr. Bullbrook: By autopsy.

Hon. Mr. Wishart: An autopsy, yes. Would the coroner not then possibly be open to serious criticism because of unexplained death, and perhaps because that woman had six or seven more years to live? Who is to say? I think we have to be reasonable in these things.

Mr. Lawlor: All right, let us be reasonable about it, Mr. Attorney General; that is based upon a supposition that you are making that this woman was all these things. There is nothing certain one way or the other.

What we do know is that she had been ill for a long time and no doubt her local family physician had some clue as to what the cause of this was.

Hon. Mr. Wishart: I would like to know if he signed the death certificate—this is what I would like to know—before the autopsy.

Mr. Lawlor: I would ask you to look into it a little deeper for me if you will and let me know.

Mr. Chairman: Any further discussion on coroners' investigations and inquests?

There being none, I consider that carried and we go on to compensation to victims of crime.

The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, I am using this heading for a somewhat wider purpose. In the introductory remarks made to these estimates the critic for our party made very strong representations to the Attorney General of Ontario about compensation, not just to victims of crime, but compensation to people who had been penalized by being arrested and imprisoned. My feeling from the committee at that time—

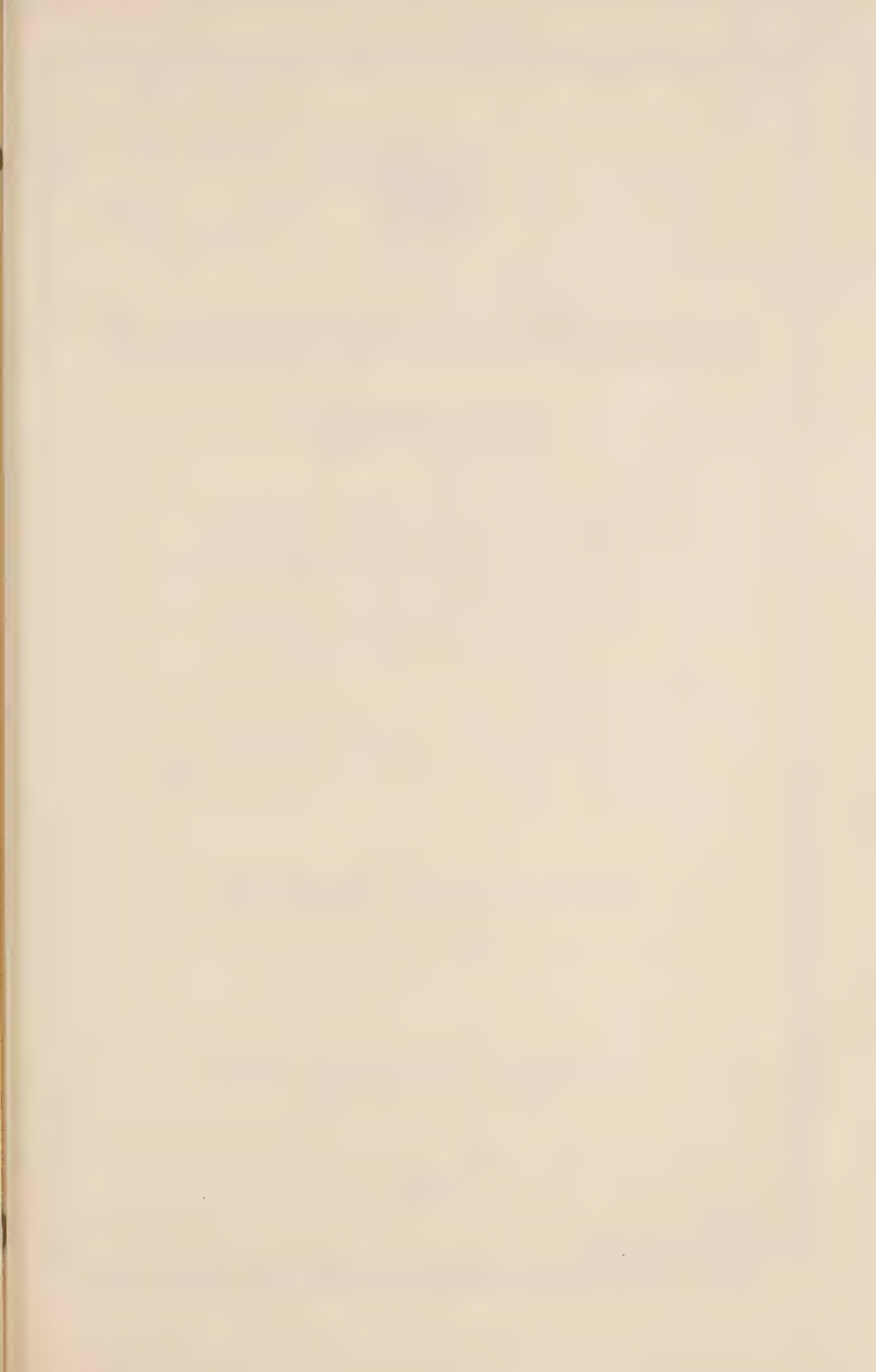
Hon. Mr. Wishart: Here we go, saved by the bell!

Mr. Chairman: Gentlemen, this meeting stands adjourned until after the vote. If the House reconvenes, we can reconvene here, I expect. Otherwise the meeting will stand adjourned until tomorrow afternoon at 3:30.

I do not think it should take that long for the vote but, of course, we never know.

Mr. Lawlor: Do you think we could have a vote of our own, Mr. Chairman, on some occasion?

The committee adjourned at 5:30 o'clock, p.m.



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OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 18, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 18, 1970

The committee met at 3:45 o'clock, p.m., in committee room one; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE
AND ATTORNEY GENERAL*(continued)*

Mr. Chairman: Gentlemen, we will call the meeting to order. If I can have from the secretary the list of substitutions for today I will read them into the record.

I have Mr. Whitney substituting for Mr. Boyer; Mr. Sargent substituting for Mr. Bullbrook; Mr. Carruthers substituting for Mr. Dunlop; Mr. W. Erskine Johnston substituting for Mr. Hamilton; and Mr. Breithaupt substituting for Mr. Sopha. I think that is the complete list of substitutions today, gentlemen.

When we adjourned we were still in the midst of compensation to victims of crime, as I recall. I believe the hon. member for Lakeshore had the floor at that time. Since he is here, I will call on the hon. member.

On vote 908:

Mr. P. D. Lawlor (Lakeshore): Mr. Chairman, I am in a rare mood of self-sacrifice and have decided not to pursue the remarks that I had prepared—

Mr. V. M. Singer (Downsview): And beyond!

Mr. Lawlor: And beyond, yes; good for you. Beyond, but touching on compensation for victims. I had ranged a little beyond that particular subject, I thought quite legitimately considering this is the grab-bag section.

I am sufficient of a stoic to think, Mr. Chairman, that there is no morality without self-sacrifice; and secondly, in terms of straight expediency—the opposite of morality—that if we are ever to bring these estimates to an end, members will have to exercise a goodly measure of restraint from here on in. In this spirit and in this mood—although it is not the first time during these estimates, I wish to say also, that I have foregone remarks

which I think were pertinent and even vital to the administration of justice in Ontario.

I am thinking of the conflict of interest situation, sentencing, and the realm of probation. The Ouimet report has some excellent things to say which very well might be reviewed. Particularly with the Attorney General (Mr. Wishart) going to see the Minister of Justice, I would have him at least bear the Ouimet remarks in mind; but my thoughts were ranging out way beyond that.

In any event, there will be another opportunity, I trust, and even if there is not, I and my colleagues may be the ones to bring all these salutary and beneficent things into being, so there is not too much point in letting the Attorney General in on the very secrets of one's best thoughts on all these things.

Hon. A. A. Wishart (Minister of Justice and Attorney General): Oh I think if the hon. member has the administration of justice at heart, he should not be so selfish.

Mr. Lawlor: Oh well, I think my outpourings have been sufficiently profuse.

Hon. Mr. Wishart: Perhaps he would write me.

Mr. Lawlor: I am anxious personally to get on with the Treasury estimates, which are going to be kind of a crucifixion compared to the present interlude, so far as I am concerned.

I just want to say one thing, related to what my friend from Kitchener (Mr. Breithaupt) has said about this particular topic. I want to read into the record, just to have it before us for future mention, one recommendation of McRuer touching how he feels wrongful convictions ought to be compensated for.

The hon. member for Armourdale (Mr. Carton), when my colleague made his initial remarks, sort of pooh-poohed the whole situation. As I heard and understood it, a good deal more has to be said under this head than has thus far been said in my hearing as yet in the Legislature.

The hon. Mr. McRuer says:

We recommend that a statutory authority be conferred on the Lieutenant-Governor-in-Council to make *ex gratia* payments on the recommendation of an *ad hoc* tribunal consisting of judges of the Supreme Court of Ontario appointed from time to time to consider cases where it is claimed that a person has been imprisoned and that his innocence can be clearly established.

I think that is without reviewing what has happened in Massachusetts or in Norway. And without accepting that as the way in which this should be really handled, nevertheless it would be the initial block, the foundation stone for future debate.

That is as much as I wish to say.

Mr. Chairman: Any further discussion on compensation to victims of crime?

The member for Downsview.

Mr. Singer: Mr. Chairman, I think we have taken an intelligent and advanced step forward in this. It took a year really to remove some of the bugs from the Act that were spotted by the Liberal Party on the way by—

Hon. Mr. Wishart: I anticipated that.

Mr. Singer: But we are glad that the Attorney General finally was convinced that we were right, although it took a couple of decisions to force his hand in this.

But I think the thing is working pretty well. I think we have a pretty good piece of legislation there in essence. It is not costing us a great deal of money, it is serving a very useful function and I think all who had any part in bringing this about can be justly proud.

Mr. Chairman: The member for Kitchener.

Mr. J. R. Breithaupt (Kitchener): May I ask, Mr. Chairman, just the number of matters—perhaps you have already gone into this—the number of cases that have been dealt with and those which are pending before the law enforcement compensation board?

Hon. Mr. Wishart: Yes, I think I can give that information from my file here.

The applications received in 1968, one; in 1969—eligible applications received, 85; and up to date in 1970 at least up to April 30 of this year—51; total applications received, 137. Of those, awards have been granted or are forthcoming and decided in 31 cases. Further evidence is required in 14 more. Two interim awards have been granted without the final

disposition; making a total number of 47 cases heard. There are now 90 cases on the board's agenda to be heard. I have just been informed that since this report—which was of April 30 this year—was received, that 90 has been reduced to 40.

Mr. Breithaupt: So that there has been a substantial increase in claims, hopefully because of the general knowledge that the matters are being dealt with?

Hon. Mr. Wishart: Yes, I think so.

Mr. Breithaupt: I suppose as the awards receive some publicity in the press.

Hon. Mr. Wishart: They do receive a fair amount of publicity. We have not seen fit to advertise, as it were. But there was a good deal of publicity at the time the Act was presented, and again when it was amended; and I think almost every award gets some commentary in the press.

Mr. Breithaupt: Is there any intention on the part of the board to keep some sort of precedent record of the various awards, even though it be not by name, that would be useful to solicitors dealing with these matters?

Hon. Mr. Wishart: Yes, the board is in a sense a court of record and does keep a record of cases and their awards.

Mr. Breithaupt: And are these available in one source?

Hon. Mr. Wishart: I have discussed this with the compensation board but it has not been decided whether these should be made as a public report as yet. Perhaps this might be regarded as a jurisprudence sort of thing that we should make available.

Mr. Breithaupt: One possibility might be to simply publish it as a volume in the Ontario reports.

Hon. Mr. Wishart: Yes.

Mr. Breithaupt: Or a segment in one of the volumes. It might be a useful future reference to those involved.

Hon. Mr. Wishart: Yes. In The Department of Justice Act I think we provided a new departure—it did not exist before—that The Department of Justice would publish an annual report. From what I have turned over in my mind and with my department officials and the members of the board—at least with the chairman—there is a possibility of publishing that as a part of the Attorney Gen-

eral's or The Department of Justice's annual report.

Mr. Breithaupt: Yes, one would think that some of the precedents there, as in the expropriation and land compensation areas, would be very useful to those dealing in those matters.

Hon. Mr. Wishart: Yes, I think so.

Mr. Chairman: Anything further gentlemen? Then we will conclude discussion on compensation of—

Hon. Mr. Wishart: Mr. Chairman, I did intend to make one brief comment to the member for Lakeshore. He referred to a recommendation in the McRuer report on civil rights which is a little different from the approach of the land compensation board; the *ad hoc* disposition of certain situations to be made by the Lieutenant-Governor-in-Council.

We have, I think, out of some 650 recommendations of Mr. McRuer, dealt with some 350 of them. This is one which we have given some consideration to but which we have not yet approached with actions. We are still considering it.

Mr. Lawlor: If you do bring anything in, of course, you will give consideration to using the same board perhaps.

Hon. Mr. Wishart: Possibly; that could be a way.

Mr. Chairman: That concludes the discussion then on compensation to victims of crime. We will go on to expropriations investigations.

Mr. Singer: We could perhaps lump all these three together in the next three headings. They are substantially the same subject.

Mr. Chairman: Yes, they do fit in together. Thank you very much. We will deal with the next three then as one group. Who would like to lead off the discussion?

The member for Downsview.

Mr. Singer: I wonder how we are getting along with our land compensation board? We get bulletins. As a matter of fact, I must be very high up on your mailing list, Mr. Attorney General. I get two or three bulletins here in my office and at my home, so there is hardly a thing that comes out of your office that I do not get five or six copies of.

Hon. Mr. Wishart: We do our best to keep you informed.

Mr. Singer: And sometimes I read them too. However, I did note that you had appointed a chairman and several members to the land compensation board. Now you have got \$292,000 set aside for them in this year's estimates. I wonder when they are going to start to function?

Hon. Mr. Wishart: Actually I think the members of the committee are aware that the board has been appointed. At least a chairman and seven members were appointed, effective as of June 1 this year; and then recently, within the last two weeks, we appointed another lawyer member in the person of Lloyd Grant.

Mr. Lawlor: Who?

Hon. Mr. Wishart: Grant. He will be a vice-chairman. That is the board as constituted. Mr. Yoerger, of course, the former deputy minister of The Department of the Provincial Secretary is chairman.

Time has been spent in acquainting the members with the procedures. There has been a very steady programme of study and discussion, and I understand from Mr. Yoerger that he has sent members of the board out, two by two, to various expropriation proceedings conducted by the Ontario Municipal Board to see their procedures, which of course will be very similar under the Act. In fact, they are operating under The Expropriation Procedures Act; they are doing a course of study acquainting themselves with all the procedures.

I would think they will be in a position to actually take the cases and deal with them—I do not know the date, I have not spoken to Mr. Yoerger in the last week or 10 days, but I know he was aiming at getting his board functioning as a board dealing with the cases in the early fall.

Mr. Singer: The early fall?

Hon. Mr. Wishart: In the meantime, of course, the Ontario Municipal Board is performing this function.

Mr. Singer: Yes. Is there any method of handing over, or is there just going to be a date when, instead of seeing Mr. Kennedy, we will see Mr. Yoerger?

Hon. Mr. Wishart: I think we will determine a procedure and give it some publicity so there will be no doubt about it.

Mr. Singer: I think it is of some importance that the public and the legal profession be informed.

Hon. Mr. Wishart: I heartily agree.

Mr. Singer: Because—I do not want to criticize the Ontario Municipal Board—but I would think there are several procedural formalities that could perhaps be made a little easier. Perhaps now is the time to do it. Some of them are very technical, and frankly a little frustrating.

It was suggested to me the other day, on a matter I am concerned with, that the board only wanted to see the original of a letter from another lawyer; sending them a photostat would just delay things they told me until they got the original. That sort of thing, I think, is time-wasting and time-consuming and it achieves no purpose at all.

It seems to me, what we must be most anxious to do, and the theme of the Act is that the land compensation board should start functioning as quickly as possible, and in as simple a manner as possible.

Hon. Mr. Wishart: I agree.

Mr. Singer: Because these cases are complicated enough without worrying needlessly about technical details.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, perhaps the Attorney General could indicate to us the number of cases presently outstanding or pending before the municipal board. How many have they dealt with? What disposition will be made of the ones that are pending? Will they be completed, or be heard? What do you intend to do, touching the cases presently before the board? That would be my first question, Mr. Chairman.

Hon. Mr. Wishart: I am told, and I have some recollection in my discussions with Mr. Yoerger perhaps about two weeks ago, that there were roughly 150 cases on the list of the Ontario Municipal Board at the present time, which they have received. I do not know what stage they are at or how quickly they will be dealt with. I have not got the figures of the municipal board before me. There are other cases before county judges, but I do not know the number of those. One of the things being discussed is when there will be a cutoff date, when these will be disposed of and an assessment made of how many of these may come on and to whom they may come and to which board they will come. I cannot give you a certain figure on that.

Mr. Lawlor: My own thought is that I have heard that there was a logjam, or considerable backlog of cases, that the municipal board is overloaded. The sooner that land compensation board is brought into operation the sooner the regular work, if I may put it that way, of the municipal board can get on. It is a frustrating activity with such a load of cases at the present time.

By the way, are the nine members now appointed, the total complement of the board?

Hon. Mr. Wishart: I cannot say more than this. I have actually recommended to my colleagues that we probably will need one more vice-chairman. The thought is that the quorum of the board is three. In order to make full use of the board, and clear up the backlog, of which you speak, we think it is desirable that a lawyer vice-chairman, as recommended by Mr. McRuer, sit in each hearing. So I think probably I shall look for and recommend to government the appointment of one more person.

Mr. Singer: You will have three panels with three chairmen free to serve.

Hon. Mr. Wishart: Right.

Mr. Breithaupt: Is it the intention that all these members will be serving on a full-time basis?

Hon. Mr. Wishart: Yes, I think they will be fully occupied.

Mr. Singer: What is the salary rate?

Hon. Mr. Wishart: The chairman's salary is \$30,000. Mr. McRuer recommended the same salary as a supreme court judge. That is not quite at that level. The vice-chairman is \$28,000. There will be two of those at least, with one now. Members get \$20,000.

Mr. Singer: By professional background, what is the breakdown of the nine members you already have?

Hon. Mr. Wishart: I put out a press release on that. I have the names here, Thomas Conway of Barry's Bay holds a degree, I think, in engineering from—I do not remember the institution, it is in eastern Ontario. George Hobart of London, is a businessman. He holds a doctorate of civil laws from McGill University.

Mr. Singer: An honorary.

Hon. Mr. Wishart: Pardon?

Mr. Singer: An honorary degree?

Hon. Mr. Wishart: No, bachelor. Colonel Grant Marriott of Ottawa. His background is mainly military. James McConaghy of Toronto has had municipal experience. I have not got it all. There was considerable detail on the press release I issued.

Mr. E. Sargent (Grey-Bruce): Who set the salaries?

Hon. Mr. Wishart: The Lieutenant Governor-in-Council handled it.

Mr. Sargent: Why should a man get more than the Prime Minister?

Hon. Mr. Wishart: Well he does not.

Mr. Sargent: He only gets about \$25,000.

Hon. Mr. Wishart: I think they pay him a little better than that.

Donald Middleton of Toronto was very active in the Ontario Federation of Agriculture. He was active in negotiation proceedings in expropriation matters. He has quite a bit of knowledge.

Ernest Reed of Thunder Bay was former mayor of that city. He comes with an insurance background and a long municipal background.

Lionel Latulippe of L'Orignal has been a district assessor; and then I think a regional assessor for quite a number of years. He is bilingual also.

Then I could mention Grant, who is a brother of Mr. Justice Grant, a very capable lawyer.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Where will their offices be located?

Hon. Mr. Wishart: At 10 King Street East.

An hon. member: That is still the Royal Bank.

Hon. Mr. Wishart: The Attorney General is in 18, and this is 10.

Mr. Singer: Are there hearing rooms there?

Hon. Mr. Wishart: They are not immediately available; they are in the process of being prepared.

Mr. Lawlor: Mr. Chairman, on another problem: On the board of negotiations there are three levels—four levels I suppose you could say under this Act. There are the inquiry officers, the approving authority who

is a minister of the Crown, and the board of negotiations and finally the compensation board. The board of negotiations should consist of two or more members appointed by the Lieutenant Governor-in-Council.

Hon. Mr. Wishart: It has been going for some time.

Mr. Lawlor: It has been in operation? Has it been hearing any of these cases?

Hon. Mr. Wishart: Yes, it has been hearing a great number of cases and settling a great many.

Mr. Lawlor: All right.

Hon. Mr. Wishart: From January 1, 1969, to December 31, 1969, 388 applications before the—

Mr. Lawlor: Three hundred and ninety-eight applications?

Hon. Mr. Wishart: Three hundred and eighty-eight.

Mr. Lawlor: Just in general, touching The Expropriation Act, has there been a considerable cutback in the numbers of expropriations taking place by all authorities over against what previously prevailed previous to the coming into being of the Act? Are there any statistics on this?

Hon. Mr. Wishart: There was quite an apparent falling off of applications right after the passing of the new Act. There were a number of inquiry procedures, but actual cases of expropriation seemed to fall off; or perhaps some of the expropriating authorities decided that they would negotiate—

Mr. Singer: Some of them are a little easier to talk to now I find.

Hon. Mr. Wishart: Yes. This may have been the fact that they settled and made their own deals and that this was a very salutary effect. They are building up again.

Mr. Lawlor: They are building up again?

Hon. Mr. Wishart: They are building up again. About 40 this year.

Mr. Chairman: Any further discussion on this general subject of expropriation and land compensation, gentlemen?

Mr. Sargent: Before you call the vote, Mr. Chairman, the preamble says this programme includes scientific investigation. This has nothing to do with electronic listening devices, has it?

Hon. Mr. Wishart: No. That was under the forensic centre.

Mr. Chairman: Shall vote 908—

Mr. Sargent: Just a moment, I asked a question.

Mr. Chairman: Yes, but the minister explained that it was under the forensic centre discussion which we have disposed of.

Vote 908 agreed to.

On vote 909:

Mr. Lawlor: Just one word on it. This is a new heading over previous estimates. Previously, I think it should go on the record, that it was, as I understand it, part of vote 901—officers of the Crown—the first vote. They have been split up. The amount of money in both cases is not markedly different; therefore I have nothing further to say about this vote.

Mr. Chairman: The member for Kitchener.

Mr. Breithaupt: Mr. Chairman, I presume that the workmen's compensation and unemployment insurance payments are with respect to the members of the staff of the department. I am wondering what this compassionate allowance term is for?

Hon. Mr. Wishart: I am going to ask my deputy to explain that. I used to know, but I am not sure I remember it all.

Mr. A. R. Dick (Deputy Minister of Justice and Attorney General): Mr. Chairman, the compassionate allowances item has been a decreasing item. This related to long service employees who entered the service of the department at a time when there were not superannuation allowances available for certain officials in the department such as the sheriff's offices and deputy sheriffs, and so on.

These people were at one point some years ago outside the public service as such. When these people reached retirement, therefore, compassionate allowances were made in lieu of the fact that they had not been able to contribute to the superannuation fund.

Mr. Singer: How many people are in receipt of—

Mr. Dick: There are nine people at the present time.

Mr. Singer: Are there any new ones or are these all some years old?

Mr. Dick: No. They were made some time ago. For instance, going back to 1951 or 1954—a deceased OPP constable's widow. This vintage roughly—there was one in 1962. That was the deputy sheriff in the county of York, Mr. Corey, who had been a long time there.

Mr. Breithaupt: Under the internal audit figures, how many persons are employed by the department in handling the internal audit and what increase in staff have you had as a result of the assumption of the administration of justice facilities that were in the counties level?

Mr. Dick: We presently have 14 auditors in the internal audit area.

Mr. Chairman: And the second question, Mr. Dick?

Mr. Dick: We have not increased the complement as such since we have assumed the responsibility for the outside offices, although some people who were on the general audit staff have now been utilized in the internal audit as well.

Mr. Breithaupt: So they have been, in effect, sort of reoriented in a definite slot within the county administration work that you now have to do.

Mr. Dick: That is so. Prior to the takeover of these outside offices they had an audit staff that audited the books at the outside offices for the purposes of informing us as to what was going on as to the apportionment of fines and so on that took place under the old system.

With the retirement of that old system and their assumption into our department, these men could then devote more of their time into the internal audit functions.

Mr. Breithaupt: And they are doing, in effect, much the same kind of work that they were doing before?

Mr. Dick: Very similar.

Mr. Breithaupt: I was just going to ask under personnel management about Item 4. As it is referred to, the training and development is set at \$50,000. Can you explain to us what types of programmes are being created within the department in the training and development of these persons, and who they are?

Mr. Dick: Mr. Chairman, this is the central allocation for all the staff development programmes within the whole department so that in the probation area, for instance, we do

make bursaries available for men who have been in the probation service and who, after experience, have an opportunity, perhaps, to take post graduate work or some other type of work that is relevant to their work in the public service. That type of bursary would become available from this area.

At the same time there are many continuing programmes sponsored by various universities such as the centre of criminology, and so on, who put on extension courses that are relevant to various aspects of the work of the department, and under the programme amounts may be made available to subsidize the expenses of people taking the extension courses.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Under vote 909 there is a \$50,000 bill for training and development. Who are you training and what is it for?

Mr. Dick: My remarks just made to the hon. member for Kitchener, I believe cover that. This is money devoted, as I mentioned, for probation officers who have been working and who are going back to take some post graduate work or some other training relevant to probation work—sociology, something of that nature—and also to other people in the department who are taking extension courses in the various schools and universities and things that are relevant to their work. This includes such as the personnel people in personnel extension courses and accountants who go back to take auditor courses and so on. It is the continuing education and improvement of the people who are in the department. These courses are directed to the type of work they are doing.

Mr. Sargent: Who trains them?

Mr. Dick: Various schools. The University of Toronto, for instance, has quite an extensive extension programme of courses that may be taken at home or at evening lectures.

Mr. Sargent: Probation officers throughout the province, are they trained under this vote here?

Mr. Dick: Some of them are, yes.

Mr. Sargent: Secondly, you have an internal audit mentioned here of \$223,000. Why do you need an internal audit on top of a provincial audit?

Mr. Dick: The internal audit, sir, is directed towards what you might call a management audit. In other words the internal audit system is the means by which the people in

the main office, and the supervisors in the main office, and so on, know what is going on in the outside offices: that procedures are being followed, that proper systems are being used in the operation of the offices and so on. The provincial audit is directed essentially towards the accounting aspects—the financial accounting aspects of the operation. The internal audit is directed more towards the management of the office and the management practices in the office.

Mr. Sargent: How long have we had this?

Mr. Dick: We started about three years ago, approximately three years ago.

Mr. Sargent: Why did you do it?

Mr. Dick: We started it because of the development of the outside offices and the increasing relationship of the outside offices to the department itself. Ultimately with the assumption of all these outside offices into the department it became necessary for us assuming the responsibility to know what was going on in the offices.

Mr. Sargent: I would suggest that with all the computerized knowledge that we have now in our office systems that it is loading on, and you do not need that at all. I mean if the provincial auditor was doing his job you would not need to do this job.

Hon. Mr. Wishart: If I may speak to this too, Mr. Chairman. I appreciate the question of the hon. member for Grey-Bruce, but I am not sure he quite gets the content of this type of audit. It is really a management audit. We have to make sure that the offices are run right, that they serve the public. They are really financial in that sense. In offices such as sheriffs offices the management there would be in determining whether the people that you need to employ are properly carrying out their duties. Other such offices are the office of the registrar of the Supreme Court throughout the province, of the county courts in each county and district, the surrogate courts which deal with estates, the crown attorneys offices, the provincial courts—they used to be the magistrates' courts—the family and juvenile court side, the division courts—

Mr. Sargent: That is all at a local level though.

Hon. Mr. Wishart: But that is not—

Mr. Sargent: That is all done at the local level.

Hon. Mr. Wishart: It is done within our department. As I say it is sort of a management audit so that we know what we are doing as regards the vast number of people that we handle in the administration of justice, particularly since we took the whole matter over. I think we would be very remiss if we were not fully aware of what is going on and how it is being done. For that reason, we need that type of audit.

Mr. Sargent: I think if you had an efficiency survey of the whole government process one of the first things you would drop out is loading on an audit within an audit. It is ridiculous.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Just one remark on this.

In looking through The Audit Act some time ago, I found the Minister of Justice is in a most unique position under the terms of that Act in his relationships with the provincial auditor. I think it should be pointed out that I think it should be that way, and it is part of that overall impartial and raised function that we talk about in your office.

You are not subject to the same critique. You do not have to answer the same range of questions directed to you by the provincial auditor. You are not as beholden to the provincial auditor as other members of the cabinet. As a matter of fact you are almost a free-wheeling, self-determining concern insofar as money is concerned.

Hon. Mr. Wishart: I do not agree with it though.

Mr. Breithaupt: We have to take his own word for that.

Mr. Lawlor: Well, thank you, Mr. Chairman.

Mr. Breithaupt: It is interesting to point to the fact that, as my friend from Lakeshore said, in looking over the functions of our public accounts committee, it becomes apparent that you almost retain within yourselves the responsibility of the functions of state with respect to the spending of moneys. These are either for certain additional information, or indeed for certain decisions which you alone can make. This is an historic matter, but one that we are glad to hear you say you are not abusing.

Hon. Mr. Wishart: Perhaps my deputy might just give a word on that.

Mr. Dick: Well the only word that I would add is that we do get the money, and under section 12 of The Audit Act it is not subject to audit. Our certificate is valid authorization for it.

But as the moneys are expended, they are accounted to myself, and I am prepared, if necessary, to account to anybody who would be interested or accept the responsibility for it.

Mr. Breithaupt: I suppose I cannot even ask you what they cover because you do not have to tell me. But would they cover such things perhaps as fees for information, or rewards, or various items?

Mr. Dick: Yes.

Hon. Mr. Wishart: It could be part of the content.

Mr. Chairman: Vote 909 carried?

Mr. A. W. Downer (Dufferin-Simcoe): Does the internal audit uncover the padding of the returning officer's accounts, or does that come from the election officer?

Mr. Dick: Well that particular information, sir, came from the audit done under The Election Act by the auditor of criminal justice accounts who does the auditing of the books relative to the elections. The information came up through that source.

Mr. Breithaupt: This is just an additional responsibility that he has?

Mr. Dick: It is. That now has been transferred to the provincial auditor, I believe, and we no longer exercise that function. But at the time of this occurrence, it was being done by our department.

Mr. Downer: Were overpayments repaid? Do you know?

Mr. Dick: Well some of the cases are still pending. We have recovered some of the money.

Interjections by hon. members.

Mr. Chairman: Anything further on 909? Carried?

Vote 909 agreed to.

One vote 910:

Mr. Lawlor: Mr. Chairman, I must take a little longer on this; perhaps not as long as in other years.

I cannot be so penalizing of self, you know, as not to bring before this committee

some sayings to lead off on this particular vote, which were vouchsafed on an early occasion in 1967 at Dalhousie University by someone by the name of H. Allan Leal, QC, speaking about the role and function and the job he had to do as chairman of the law reform commission. He set forth his thoughts in what he called a law reformer's decalogue.

The first of these ten commandments is: "Thou shalt not be hasty, lest thy haste make thy reforms unsound".

I do not feel that in any way—if I may comment upon the ten commandments handed down to some Moses—that I have accepted, in perhaps one or two instances, that you have not shown too much haste in bringing the reforms into operation, and in other cases, Mr. Chairman, in completing projects presently launched; launched for a good many years, that they yet hang in some kind of jurisprudential limbo.

The second is: "Honour thy specialist, for verily he is a mine of knowledge useful to thee".

The third one: "Take counsel with thy colleagues and with thy contemporaries in all fields so that thy reforms may rest on broad and firm foundations".

The fourth: "Be gentle with thy legislature; for know thee that lawyer's law may be strange and unpalatable to them".

Well I thought it was all lawyer's law. I think the member for Downsview may record a degree of approval to that. Not very much is not put through the House without going through the sieve of the legal mind in the process; and all to the good, I say to the member for Grey-Bruce.

The fifth: "Seek all the support that thou canst, both for thy coffers and thy ideas, but be quick to remind thy benefactor that he purchaseth nothing".

Sixth: "Require of thy minister that he provide thee with a goodly number of full-time servants lest thy hands be wearied and thy time wasted in non-essential tasks, and in order that thy output may be increased".

The commentary on that is that the sixth commandment is something about not stealing, I think.

The law commission at the present time, and I seek to bring this forward, is in my opinion overloaded and overlarded with work. It has on its plate a great many things, and with five members operative as the central core of that commission, I think

we are going to have to look hard at the situation.

I think my basic proposal is that the work that this commission is doing is altogether beneficial and we can give some consideration to enlarging its staff.

The seventh commandment is: "Thou shalt not neglect the law of other jurisdictions, for comparative research leadeth generally to good results."

Amen.

Eight: "Neither shalt thou set thyself up as a draughtsman, for such may be hired".

We well know the arts and wiles of their trade.

Nine: "Neither shalt thou despise the "old boy net" for much may be learned and many pitfalls avoided through the experience of others like thyself".

Of course we would not like to see any imbreeding taking place here. There is a way of lawyers self-serving their ideas; ranging within a certain narrow field and not being particularly trained, sociologically, psychologically and in a dozen other ways that are of import in modern society. I would be a little leery of going too far with the "old boy net"; just as I have, in educational theory; a little reservation about the old school tie.

Number 10: "School thyself to know when to change the law would serve no purpose, for change for the sake of change confuses all men and gives merriment to the heathen".

I suspect Mr. Leal threw his hat in to appease his Conservative benefactors. This is a world of change. The nature of reality is change, and I would not be at all fearful or hesitant in the face of it.

I have thrown in a final injunction, a quotation from Hilaire Belloc: "It is the duty of the wealthy man to give employment to the artisan".

And to the extent that they range out into the university field and work there and employ quite a numerous coterie of individuals in that area; and I would suggest in the business world more than they presently do, and into the ranks of the working lawyers more than they presently do, to that extent then they are giving employment to the artisan.

Mr. Chairman, I say that the work in progress with the commission is very onerous toil at the present time. It has accumulated, and they have made clearances of many things which are set out in the appendix to the report and have worked with celerity and,

I think, with a good deal of wisdom in what they have presented to us thus far.

At the present time, just to glance at the headings, there are, I think, 13 volumes in the family law field. There are at least half a dozen volumes I have not had an opportunity to peruse or look at except volume 10.

These volumes are submitted, then the law reform commission revises them, goes over them, extracts what they think is of benefit from them and does a report.

As of the last standing they had, I would think, completed the report to volume 6, which is the volume on torts, and it is in. The rest of the volumes, as I understand it, and perhaps you could get Mr. Leal to comment on this eventually, are: volume 7 jurisdiction, volume 8 annulment proceedings, volume 9 law of children.

I will not go through the works. All these reports have to be done and no doubt are presently pending.

Apart from that massive task in the revision of the whole field of family law and the encapsulation perhaps of the divorce and other procedures within the demesne of the family courts themselves, they have got the law of property project going forward, and there I have some grave misgivings.

They are working on the commercial and industrial tenancies, but that has been going on for a considerable period of time. There is, secondly, the work being done, and set at page 18 of their report, by a Professor Mendes da Costa on the basic principles of real property law and here I take a bit of issue.

That study has been going on since 1967. Surely the basic principles of real property law are not so elusive, not so recondite as to warrant the carrying on of this length of time and a lapse of this time involved. Again in that Dalhousie speech it was mentioned on page 11 by Professor Leal, it was going on at that time. How many years before that it had been initiated, I do not know, but surely that can be brought to a head and that paper brought before us.

As to the next heading, this whole business we briefly discussed the other day touching the problems of land registration, Professor Risk is presently engaged in this project and it says in the report that is well advanced. I would trust so because we have been abiding and waiting for a considerable period of time. I think that there is a fair urgency of need for a reform of the registration systems as my friend from Downsview constantly inveighs on year after year. He thumps his hand down on the table saying,

"Gentlemen, what you have is an anachronism." It comes out of the caves and there is no reason why it should persist. You should save the people of this province money and bring some legitimacy into the whole enterprise, because at the present time the titles, as least in the more populated centres, are being combed and recombined and the nature of requisitions submitted have become now picayune.

If someone's name is spelled wrong or if his name happens to be Frances P. Q. Kennedy and they leave out the "P" then you have to go back a number of years, or they try to force you to. One says "satisfy yourself" about these things, but I see innumerable requisitions of this almost moronic kind being submitted as a kind of justification for their mere existence.

There is The Trustee Act that is undergoing revision. Unfortunately the Trustee Act has been afloat and afoot since 1967. Surely that particular piece of work connected with Professor Skain can be brought to a head and promoted and brought before this body, or at least submitted in a final form for the law reform commission revisions.

The community planning projects! The land-use control! The study, I read it, of the belated Professor Milner, whom I had great affection for—I used to study, not under him but with him in jurisprudence. He had submitted a basic document which I say is commendable, a very good piece of work. Of course you had difficulties in that field and therefore had to substitute another professor to take over the work and to continue it. Professor Weintraub is presently working on that.

But these are two vast fields of law being surveyed and turned inside out, I trust. Apart from that you have got the whole law of evidence which is presently under review. And under that particular heading there are numerous working papers. I would ask the hon. minister, or through him to the chairman of the committee, whether or not he would be prepared in instances to permit us to obtain for our own perusal and ahead of the event those working papers, say on hearsay evidence, previous statements, *privy res gestae*, and privileged against self-incrimination—any of these or all of them to be available to members of the legal bills committee at their leisure and pleasure to peruse.

That remark applies to many of the areas here. In the family law project, I understand that more than 75 papers were presented occupying about 1,500 printed pages. There

are areas in there which I am sure that, particularly as this legislation goes forward—as it no doubt will in the near future—those working papers would be of great assistance to us in this committee who are interested in such matters.

The fourth item under consideration is occupier's liability, a field of Neanderthal law if ever one existed with its categories of invitees and trespassers and all that rigmarole; which I suspect can be rationalized and streamlined and given efficacy in the modern world.

Compensation for victims of automobile accidents have been long under study. It was again mentioned in the 1967 speech and I have seen nothing forthcoming under this particular head. And while the government creeps wiltingly forward in this particular area, particularly under the Minister of Financial and Commercial Affairs (Mr. A. B. R. Lawrence), acceding always, and with a deplorable amount of toadyism, to the insurance interests involved as to providing this particular form of liability without fault or irrespective of fault. The work that is being done here is not forthcoming. I think what has to be said from a specifically legal standpoint would have great benefit. Professor Linden has done major work in the field, but I do not think that is, by any means, the last word.

Section 16 of The Mortgages Act could be very easily amended. We have, I think, section 20 before us in the Legislature at the present time. Section 16 of the Act has to do with that business of corporations executing mortgages initially, and substantially when a private individual has the assignment as mortgagor of that mortgage, he would be desirous to pay at the end of the five year period. With the small bonus involved he is precluded from doing so by the nature of the present legislation which does work a considerable inequity in these cases. I would be most pleased to see it amended since that is a simple task and it would cut down on the length of my speeches if it were done. I would recommend that it be got on with.

The next matter is the seventh project that is presently under way—the medical emergency, medical aid *in tort* liability. What was called the “Good Samaritan legislation.” Well the Attorney General acts in the way of a Good Samaritan on these occasions very often. No one, of course, would ever look the Good Samaritan in the mouth, and particularly in the way of sentences and in using executive clemency. This is a breakthrough

too, but in this particular area of Good Samaritan legislation, why should people who come to the aid of the others not be compensated? They should not be in a position on the one hand of being actually sued for what they have done if they do not do it with a certain degree of capability, and on the other hand of not being compensated for what they do, if injured.

Then of course on top of that there is the whole business of coroners that, as indicated yesterday, is presently in the hands of the law reform commission.

We all know that they are hearing briefs, and I am sure it is taking a great deal of time, on the Sunday observance legislation which has been submitted by the Attorney General and not done on their own initiative.

These are some of the areas which we presently have under review, and my contention is that the job has become somewhat overwhelming for the individuals involved and that you should extend and increase the size of the law reform commission at this time possibly to seven or eight members so that these tasks may be accomplished within a conscionable period of time.

Apart from that, I do take some reservations with the failure on the part of matters that have been submitted by the law reform commission and dealt with by them, and have not been brought forward in terms of legislation.

For example, the proposed adoption of The Uniform Wills Act. The basic documents were there. They were submitted at the beginning of 1968. I know you have federal problems, that you have to reach some kind of an accord. But two good years, at least, have elapsed since the report was submitted to this office. The matter went on a good long time in terms of discussion prior to that and we stand at the present moment bereft in this particular regard.

The other area in which we have had an excellent report submitted to us is in the field of privacy. It was submitted in September 1968. One has very often heard the Attorney General's feelings about this legislation, how he feels that it ought to be a federal matter, that if the federal boys move into this field it will obviate the necessity for his doing so. And, under that head I am more or less prepared to bow my head for the nonce and to let that go.

But what about The Insurance Act and the problems of commutations under the Insurance Act submitted October 3, 1968; or the problems of the trade sale of new houses; and

the doctrine of *caveat emptor* submitted October 4, 1968; or the problems of limitations of actions which were submitted in February of 1969; or those matters relating to majority, and status of adopted children.

What about these things that are presently outstanding? And if they continue to bring forward their reports at the rate that they have been submitted you are going to run into some kind of backlog in the very near future.

I would sincerely urge you to get on with the passing of some of this legislation, particularly in the sale of new houses and that sort of thing.

I suppose wills cannot be considered as an urgent matter. Wills have been made in certain forms for a long time, and we have become accustomed to it. But where legislation and the proposals for new legislation affect the daily lives of people in a way that can cause them pain or monetary loss, there is no reason in the world why we should not get on with the job.

I would gravely urge the attorney general to take my remarks in the spirit they are made and get on with it.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, many of the things that the member for Lakeshore has said I have said in previous years. I subscribe to most of his thoughts. I decry the delay in many of these projects that are under way, and we have referred to some of them from time to time.

I suggested last year at some length that the law reform commission could be and should be substantially strengthened by the addition to it of additional fulltime members.

Some of the farming out that is done is very interesting insofar as legal studies are concerned and it presents an opportunity to legal scholars, in the true sense of the word, to spend a lot of time preparing interesting PhD or MA theses.

But I think there are a number of things that we have to get on with and we do not seem to get on with them quickly enough. There are a number of these items the member for Lakeshore refers to that I do not think really require the kind of lengthy research that is being embarked upon—the reports that are being presented for information prior to their consideration by the law reform commission. The studies by the law reform commission that go on for a considerable

period of time, to be followed by further studies by the attorney general's department of what the law reform commission has submitted to them.

The progress of important steps in law reform seems to be very unnecessarily delayed. I have noticed, with great interest, the very substantial steps that have been taken in Ottawa in recent years in introducing into our criminal law substantial new reform. They seem to have come forward more quickly under the aegis and control and push of Mr. Turner, the Minister of Justice in Ottawa.

This book that we have here now, Bill C-220, presents a whole new facet of advances in the field of criminal law, bail and arrest and all that sort of thing; and it was produced without the growth pains—

Hon. Mr. Wishart: That is the first in 50 years.

Mr. Singer: Well the amendments to the Criminal Code were pretty substantial too.

Hon. Mr. Wishart: And he really only has one field of law to deal with.

Mr. Singer: The Attorney General, I know, always wants to explain away slowness. And he wants to study and study and study. Some of us get impatient because the things that have been advocated in this Legislature in the time I have been here—and it is getting to be an awful long time, maybe too long; I will say that quickly before someone else—just do not seem to come about. They are obvious and we are studying them and we are studying them and we are studying them. And as I say we get some intelligent young man who is either an MA student or a PhD student or a law professor who feels that he now has a new career carved out for him, he can begin to study and begin to produce great tomes.

That family law thing I referred to rather scathingly a few years ago, in four volumes, the one about balancing rights—

Mr. Lawlor: Balancing claim!

Mr. Singer: Yes. A very fascinating, educational exercise, but of no practical use whatsoever. It took up a great deal of time and we were able to dispose of the question of family law because the whole thing was under study.

It is still under study, because we are getting no real hints as to which direction we might move in from those study papers—

the four volumes of them that were produced a few years ago.

And somebody else is doing some more study, and then, as I say, by the time the study comes back to the law reform commission and then they submit their report, and then the Attorney General studies the study of the study, the whole process is slowed up.

I do not know that there is any point in dwelling on this. The point is pretty obvious. We feel that the process is moving far too slowly.

There are some obvious cures. One is to have more fulltime members on the law reform commission; and the other is, Mr. Minister, to crack the whip periodically and say: "Let us get on with the job."

The same sort of questions that we were raising in connection with the centre of criminology, we again raise here. The law reform commission certainly has a better technique than the centre of criminology. At least we do get reports from time to time and we get an annual report from them and that is a bit helpful. From the centre of criminology we get nothing at all. That is point number one.

The second point that I want to deal with—and it was raised very briefly in the House today; I intended to deal with it at this point—is the whole question of research into exercise of clemency by the Attorney General and the recent example of his exercise of that clemency, which touches on several very important things.

The Attorney General remarked in the House that this is a right granted by statute. I was not too sure of that. I thought it was a right established in custom, one of the prerogative rights of the Crown.

Hon. Mr. Wishart: There is some authority in The Fines and Forfeitures Act, but I think my reply in the House was not—I was just thinking of it afterwards—entirely correct. I said it was given to the Attorney General. He has the power to make the recommendation; the clemency is actually given by the Lieutenant-Governor-in-Council.

Mr. Singer: Yes.

Mr. Breithaupt: The clemency of the Crown?

Hon. Mr. Wishart: Yes, right!

Mr. Singer: The same as in Ottawa. And the clemency of the provincial Crown relates to provincial offences and the clemency of the federal Crown relates to federal.

Hon. Mr. Wishart: This is in provincial.

Mr. Singer: Yes, well the ones that were discussed in the House this afternoon related to sentences under The Liquor Control Act, breaches of The Liquor Control Act, imposed by one provincial judge—

Hon. Mr. Wishart: Not all by one.

Mr. Singer: Mostly by one.

Hon. Mr. Wishart: Mostly by one.

Mr. Singer: By and large he is a pretty good judge. I suppose he had a bad morning that day; but this does not solve the question.

I think it is very important that we get some idea of the basis on which the prerogative is exercised. When do you do it? When do you go on to an appeal? When do you say: "Is that not a terrible thing, we are going to go to provincial Crown and ask for clemency?"

Because many, many times the Attorney General stands in his place and says: "You would not want me to interfere with the process of the courts." But you have appealed.

Hon. Mr. Wishart: Oh, I never said I would not appeal. I am always—

Mr. Singer: No, no; but here you did not appeal. You said the process of the courts allows appeals and so on, but here you have interfered.

Now okay! I am not questioning that on these particular five occasions which all dealt with this kind of offence, that maybe there should have been some better method of proceeding. Perhaps the appeal procedures had been exhausted at the time they came to the attention of the Attorney General. I do not know.

But we have a serious problem here. When do you interfere and when do you not? When do you sort of go back into your little shell and say: "I will not interfere with the process of the courts?" When do you say: "I will interfere with the process of the courts," as you did here?

And related to that problem is the more serious problem I touched on the other day in connection with the treatment of drunks, arising out of the coroner's remarks. We just have no intelligent system in this province of dealing with drunks; and maybe the law reform commission would give us some better idea.

So there is the study into the use, or some detailed explanation of the use by the Attorney General of his clemency power. There

is the problem of dealing with the question of drunks, chronic alcoholics, which is very badly handled. And finally, Mr. Chairman, there is the question that if the Attorney General really thinks that the provisions of The Liquor Control Act are arduous to the point where he must interfere, then let him do it. The obvious way of doing it is to have his colleague, the Provincial Secretary, (Mr. Welch), bring in some amendments to The Liquor Control Act.

Because this is just no way to run a court, to my mind. One day we had a magistrate or a judge, who perhaps was feeling out of sorts and gave out some unduly harsh sentences. One day we had the Attorney General, who was feeling particularly inclined to dispense a little mercy, and he exercises clemency in five or six cases. It just makes no sense to me.

The point I am trying to make, and I think the Attorney General is aware of it, is that we must have some consistency. This is no example of consistency.

Mr. Chairman: The reverend member for Lakeshore!

Mr. Lawlor: I am not lifted to a bishopric.

Just to reinforce my previous contentions about the weight of work being carried out by the law reform commissions, they themselves—in a very muted protest as would be consistent with the work of such a commission under government auspices—bleat somewhat on page five as follows:

By reference dated February 12, 1970, the commission was asked by the Attorney General to consider certain resolutions of the council of the Ontario branch of the committee and bar associations suggesting that The Sale of Goods Act is inadequate for the purposes of present day business; that the commission study and report on the existing law relating to the sale of goods and that consideration be given to the adoption of the principles and approaches in article 2 of the uniform commercial code. Since the commission's resources are at present fully committed to projects which have been given and established priority, work on this new topic for study cannot be undertaken for at least a year.

I have no hesitation in saying that The Sale of Goods Act, in most of its many ramifications, is out-moded. It is one of the thornier pieces of legislation largely derived from Lord Mansfield in terms of maritime and commercial law in the old days. The variety of things

that need to be altered in that legislation I do not think are going to abide undue delay. I think that the law reform commission that is as forward and as anxious as this one to get on with its task, ought not to be impeded or held up, or have road blocks thrown in its way by the mere fact that it has not got adequate staffing and cannot proceed with the work placed before it that you yourself have thought was so urgent.

Secondly, on the position of executive clemency, perhaps there should be some guidelines drawn. I would remind the hon. members that—you know what the bard said: "The quality of mercy is not strained; it droppeth as the gentle rain from heaven." If it is the role of the executive council or of the Lieutenant Governor-in-Council in the province, I think it would be rather difficult to draw such lines. I think it would be subject to censure by us in the Legislature if they are misused or given a bad application, but I would not be too anxious to see it codified in any way, or any strictures laid down. Mercy is of that kind, you know. It must not be whimsical; on the other hand, I do not think it is subject to any detailed mapping out. I therefore trust that it would not be.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, I am going to call shortly on Allan Leal. There are a few points I could cover. Perhaps very soon I will let him speak to some of the specific questions raised. Perhaps I might deal with the matter of the exercise of clemency first.

It is a prerogative of the Crown to begin with. It is in the Crown to exercise that prerogative to the extent that it is put down or defined by statute; only to that extent is it varied. It is there; it remains. The Fines and Forfeitures Act dealt with a certain area.

Mr. Singer: It has always been one of the best as prerogatives of the Crown.

Hon. Mr. Wishart: Right!

Mr. Singer: One of the few remaining.

Hon. Mr. Wishart: It is there, in any event; and it is partly exercised therefore by statute, partly because it has always been there. On the question, particularly of cases of offences against our liquor Act, I think there is merit in what the member for Downsview has said. I think I have said something like this on previous occasions. I have not referred that to the law reform commission.

I have been aware of the full platter of the things they have to deal with now, but I think perhaps their advice, their study on this, would be helpful.

I would like to say this on their behalf. I think they have done very good, very substantial work. I was looking at their report and their appendix A, things they have worked and on which we have produced legislation.

These are matters where their report came in and we have acted—The Perpetuities Act, The Wages Amendment Act, The Personal Property Security Act, The Evidence Amendment Act, The Mechanics' Lien Act, The Execution Amendment Act, Condominium Act—quite an important statute—The Expropriations Act, and I will not mention except under my breath, The Sandwich, Windsor and Amherstburg Railway Act—

Mr. Singer: The Perpetuities Act, my speech on that was a dandy.

An hon. member: A landmark of reform!

Mr. Singer: Caesar Wright is dead, so we should change it to The Caesar Wright Act.

Hon. Mr. Wishart: And the commission did produce, in January 1968, a report with respect to divorce legislation, as it proposed in the federal Bill C-187. We made a study of that and made our representations then to the federal Minister of Justice in the federal Parliament, which had a bearing on the legislation there. And then of course The Landlord and Tenant Act.

These are pretty substantial accomplishments. As to the sale of goods, and uniformity, the suggestion from the bar association—the recommendations from certain resolutions of the council of the Ontario branch of the Canadian Bar Association—suggested that The Sale of Goods Act is inadequate for the purpose of present day business. That may or may not be. I am impressed, of course, when I get resolutions from the council of the Ontario section of the Canadian bar. What I asked the commission to do was to study those resolutions to see what merit they had.

I did suggest and I must take this onus, I think I suggested, that it was not a pressing study. But I did not suggest they move on that, as I knew they had other important things before them. They are working, as you know, on this whole field of family law; real property law—that will deal with our Registry Act, Land Titles Act—Sunday Observance—Lord's Day (Ontario) Act—the effect

of the whole field of the law and all that is related to it. That has been, I think, moving along very well from what reports I have. But I think—

Mr. Singer: Do they report to you on that? Are they through their hearings?

Hon. Mr. Wishart: Their hearings have been completed for some little time. Perhaps the chairman of the commission may mention that in his remarks. I am now going to ask him to say a few words in response to some of the specific questions that have been asked.

Mr. H. A. Leal (Chairman, Ontario Law Reform Commission): Mr. Chairman, hon. members, I am a little uncertain as to my proper role in these procedures and I do not intend impertinence. I would like if I may, to direct my remarks, and brief they will be, specifically to the work that is now in the office of the commission and not those things which we have completed and on which we have reported.

May I say at the outset, and I do say this sincerely, that the impatience of the hon. member for Lakeshore in getting on with these things is matched by our own. We are, I think, continuously impatient with the length of time it seems to take to bring these matters to fruition.

I think, fairly, one could not reject criticism which is in the vein that more could have been done. I think obviously more could have been done, but I guess we have to endure that with as much grace as we can muster.

However, there is another side to the coin and I do put this forward with conviction—that we believe that the work that we have done is free of error and I think that is far more important. It is superficially attractive, I think, to accept the suggestion, as I believe it was, that perhaps more work could be brought along more quickly if increased numbers of personnel were devoted to the task. That, however, is not entirely true. I think most of the hon. members will know that the law reform commission does not operate on the committee system. We do not set up panels of the members of the commission to deal with specific, individual projects and then bring them, at some more final stage, to the commission sitting as a committee of the whole and rubber stamp what part of the commission has done.

We have felt from the beginning that there truly was no alternative or no advantage to be gained by fragmenting the resources,

the personnel and the financial resources of the commission. From the beginning we have adopted a procedure of having these matters from inception, through all stages of the work, being brought to the attention of all five members of the commission. We feel that there just is no substitute for the cut and thrust of debate which goes on with a committee of five people devoted to the task, I think, of trying to sort out the problems that arise at every stage of these projects. Although perhaps, and this might be capable of being proved, that we could have done more if we had worked on a committee system, yet I say to you quite seriously, Mr. Chairman, that when the five of us append our signatures to a report, we really do have the assurance and the satisfaction that all five members of the committee have given it the best shot of which they are capable. And that they could add or subtract nothing from it.

And so I think that if there are any obstacles—I do not suggest that there are any serious ones—but if there are any obstacles in the work of the commission, I would suggest to you that it perhaps arises at that stage where the five commissioners themselves, sitting at a committee of the whole, get down to the very serious business of saying: "This we will do, for these reasons; and this we will not."

Speaking only for myself, but I judge from my colleagues as well, I would be quite unhappy to see the commission fragmented and working in panels where the final result would not really represent the full knowledge, the full experience, the full devotion on each of these topics which we now have.

I may say in that connection that when the Institute of Legal Research and Law Reform was established in Alberta under a tri-partite agreement with the government, the university and the law society there tried the committee system and it was found wanting. They have now adopted our procedures.

The other point that I wanted to make, if I may please, is with reference to a matter that the hon. member for Downsview raised. Again rather suggesting that perhaps there was too much basic research going into this and that you did not need an academic thesis being prepared on all aspects of each project.

All I can say perhaps, in defence, is that if one is to err, it is better to err on the ground of being thorough than not.

And there are obviously, Mr. Chairman, some projects which we have undertaken and completed where a large amount of research

was not necessary nor was it conducted. I refer of course to matters like the recommendations which we made regarding amendments to the legislation concerning the status of adopted children. It was plain on the face of it that there was a gap in the legislation. We considered what to recommend to fill the gap and that was done. It did not take us months to do it.

Similarly with the question of, section 182 I think it is, of The Uniform Life Insurance Act concerning the commutation of instalment payments. Again we did not have to spend a long period of time on research on that project.

Similarly with section 20 of The Mortgages Act. Section 16 of The Mortgages Act which the hon. member for Lakeshore has mentioned is a much more complicated process.

Again it appears to be quite unsatisfactory on the face of it. But on the other hand there are a good deal of ramifications; a number of ramifications to this such as the loaning policies of the life insurance companies who would change perhaps their whole loaning policy if the legislation were changed.

I do not say that we back off for that reason, but these are factors which must be considered, and in that case we have prepared an extensive working paper which has now been sent out, not only to the loaning institutions, but to members of the profession for comment.

It has been said that on one occasion I said that speed was the greatest enemy of law reform, and I believe that.

And perhaps if I might, Mr. Chairman, I would like to take up the point that the hon. member for Downsview made on this. He said that much good work had been done with regard to the amendment of the Criminal Code of Canada, emanating from the department, without the assistance of any federal law reform commission, or the Law Reform Commission of Canada as it will be called. I would just like to underscore here that as impressive and as important as those amendments were, no one in that department, including the minister, suggests for a moment that this is the root and branch study which is required. And indeed he has said on a number of occasions recently in connection with the bill to establish the Law Reform Commission of Canada that the first task which will be assigned to them will be to undertake a thorough review of the Criminal Code of Canada, and it will take them at least five years. I merely suggest that perhaps

this reinforces the view which we as a commission have taken of the matter.

The point has been made about working papers being made available; I accept that, Mr. Chairman, to the extent that they are available in a form which will be helpful. I shall certainly take that back to my colleagues. There are in fact five of them now I think in the law of evidence project. They are of substantial length. They involve hearsay and previous statements, compellability, *res gestae* and there will be more coming fairly soon on burden of proof, *res ipsa loquitur* and a number of other topics. I am—

Mr. Lawlor: May I interrupt you, Mr. Chairman, please?

Mr. Leal: Yes, please.

Mr. Lawlor: Studies, for instance like that of Canon Wilkinson's on the Sunday observance legislation, is that type of study available to us too?

Mr. Leal: They have not, Mr. Chairman, been made available. I shall certainly take that back to my colleagues as well. May I say that the one to which reference is made—the paper on the religious background of Sunday observance prepared by Canon Wilkinson—and there are I think four other working papers—

Mr. Lawlor: An economic study!

Mr. Leal: Yes, an economic study, a sociological study; and most important of all, I think, in the Sunday observance legislation project, a working paper done by Dr. Lederman, the former dean of the faculty of law at Queen's University—and I think one of the outstanding constitutional lawyers in this country—has prepared a working paper on the constitutional aspects of this Sunday observance legislation.

I am sure that all the working papers we get on all projects are not in such a form to be of that much interest, but there are some—the working papers on the law of evidence—which I think might very well be selected.

May I say, Mr. Chairman, that to the extent that the printing press and the price in our budget allows, if the hon. member for Lakeshore would like to burden himself with the amount of reading, if he would get in touch with me I would see whether some of these can be made available.

Mr. Lawlor: And here's to them!

Mr. Leal: Yes. The other point that was made with regard to the project on the basic principles of land law, Mr. Chairman. Perhaps it is not necessary for me to remind the hon. member that a similar study done in England took about 25 years, and they had at least 100 times more people working on it than we have—

Mr. Lawlor: You need not emulate them.

Mr. Leal: No, we are not even trying to emulate them in that—

Mr. Singer: They transfer title by handing over the deed!

Mr. Leal: I am sorry?

Mr. Singer: Do they not still transfer their titles by handing over the deeds? If you lose the piece of paper, you are in big trouble?

Mr. Leal: No, not any longer.

Mr. Singer: Not any longer. Not too long ago though.

Mr. Leal: That is right. England has gone to—

Mr. Singer: No wonder they have to do all that research.

Mr. Leal: —a land registration system, but I believe there is still only about 25 per cent of the land in the whole of England which is under their land registration system.

Mr. Singer: And the rest depends on finding the pieces of paper.

Mr. Leal: In the solicitors' desk. But they are now moving to compulsory registration and phasing it in.

Mr. Singer: Maybe there is a better comparison.

Mr. Leal: Unless there are specific questions that the hon. members would like me to answer, Mr. Chairman, perhaps I might conclude by saying that the two major projects that we have, family law and land law, are moving ahead, and perhaps much more quickly than appears on the surface.

For example, in our land law project, as has been said, we have done wills, we have done condominium, we have done landlord and tenant and we are now in the stage of preparing our report on land registration, which we hope will be out in the fall.

We are writing a preliminary draft of a report on community planning and land use

control, started by the late Professor Milner and taken over by Professor Weintraub. We are making substantial progress in the item dealing with trusts and associated statutes.

In the family law area we have already reported to the minister on torts and marriage. We are now preparing our report on property subjects, and I would judge that perhaps three more reports in the family law project would finish it off—three or four at the outside, I should think.

Well, Mr. Minister, I have already been longer than I was supposed to be but if there are any questions I would be pleased to try to answer them.

Mr. Chairman: Dr. Leal, I think that the member for Downsview may have a question.

Mr. Singer: One specific question. When can we anticipate a report on the Sunday law observance?

Mr. Leal: In the fall, Mr. Chairman.

Mr. Singer: The other was not a question to Mr. Leal, it was rather a comment.

I think he made my point when he talked about the Criminal Code. Because there are certain things there that were of urgent importance to my mind, and certainly apparently, to the minds of many people in Ottawa, including the Minister of Justice; and those amendments were brought forward without the lengthy and full studies that are necessary to re-examine and perhaps reconstitute the whole of the Criminal Code. That is a mammoth task, and I quite agree.

However there are questions here that are equally urgent, Mr. Chairman, and that could be separated perhaps from the intense, deep, thorough, academic type of study that we are getting in these. I think these can be picked out from time to time.

And we have reason to expect that we should get quicker changes in some of the glaring examples of bad laws we have, than in fact we are getting. I just do not think it is good enough that we are going to get no changes, for instance, in land law, until this study is done. I think there is no real comparison between the difficulty in England and the difficulties here. There are certain things I think that are reasonably obvious, that do not need this great intensive research.

To complete the study in its fullest extremities, of course, is going to take you a lot of time. I think too I would expect Mr. Leal's comment on this. I think too that a

great deal more would be achieved if there were more fulltime members of the law reform commission. Mr. Leal is the only one; the others are part-time members, and it is probably not within his competence to comment. He does what the statutes say and he works with the people whom he has to.

Mr. Chairman: I gather though that the hon. member for Downsview has no further questions of Dr. Leal?

Mr. Singer: No.

Mr. Chairman: Thank you. The member for Lakeshore.

Mr. Lawlor: You did not advert to the remarks that I had about the basic principles of property law study, which has been long outstanding. How does it stand?

Mr. Leal: We have in our office, Mr. Chairman, the first working paper by Professor Mendes da Costa on that part of the land law project. It is about 250 pages. It is, in my opinion, a scholarly, altogether helpful document. And although perhaps in a way our task is not as difficult as it was in England because we do not have the strict family settlement and all of that, in another way it is even more difficult than theirs because they accomplished a good deal of it in 1925 and we have not. I mean in a very real sense we are going back to the origins of the land law in the doctrine of this cheap and feudal tenure and all of that thing. It is still with us in this jurisdiction. It is taken, I think, as a matter of faith by most solicitors in their conveyancing practices, but it is background which they must know.

Mr. Lawlor: You are not subject to the statute of limitations yourself, you have never been given time limitations.

Are you still here? I thought it would have little interest to you!

You have never been given a project with a time limitation on it.

Mr. Leal: I think, in fairness, that the administration and the Legislature have been very generous with us on this. They have not expected us to work miracles every day and to answer your question directly. We have, I am pleased to say, been left fairly free in bringing these projects to completion as long as we can satisfy the people to whom we report that we are, in fact, applying our minds to the task. I think it is always dangerous to apply limitations to this type of work in a guillotine fashion, because I think more

often than not you will end up with an inferior product.

Mr. Lawlor: One final question: Having only yourself as a fulltime member, having to read all the briefs that are submitted to you, which are numerous, do you not also have hearings and listen to submissions by individuals?

Mr. Leal: Yes, indeed we do.

Mr. Lawlor: That is very time consuming, I would think particularly the Lord's Day—

Mr. Leal: Yes, we found this quite onerous, but I think it just had to be done because one's mind goes back to the little village where I grew up as a boy and I would think that the way that they observed Sunday, even last Sunday, is a good deal different than the way they do in a large metropolitan area like Toronto. We felt that under these circumstances we had to go out into the province to see what the people in those sections felt about this.

We had originally planned 12 hearings, that is hearings in 12 locations, but we were able to reduce that to six and bring the mountain to Mohammed, so to speak, and bring the witnesses to the commission in central points. But we did, in fact, hold hearings in six locations and on two occasions in Toronto.

I may say that this was done at, I am sure, great inconvenience to the part-time men, because there was not a single presiding officer. We sat as a panel of three and in the Toronto hearings we sat with the full commission of five.

Mr. Chairman: Vote 910?

Mr. Lawlor: No, I want to say a word just before we stop.

Mr. Chairman: Thank you Mr. Leal.

Mr. Lawlor: I do want to impress upon the Attorney General the obvious need of functioning properly, of getting more fulltime people on that board, perhaps two or three. It is good to have working people on the commission, no question about it—working lawyers and what not. But, they are, it seems to me, very much overwhelmed with work. Maybe we could consider expanding it with some part-time people. It should not be too large. At the same time more fulltime staff seems to me to be very much needed because the work that they do rewards itself in terms of savings to the province.

Vote 910 agreed to.

On vote 911.

Mr. Chairman: Gentlemen vote, 911 has five different subjects and I think we should treat each one of those separately.

Hon. members: Not 911.

Mr. Chairman: No, I am sorry.

Mr. Singer: Vote 911 has two headings.

Mr. Chairman: Vote 911 has two separate subjects. The Ontario Police Commission and police training.

Mr. Lawlor: Point of order.

Mr. Chairman: Yes, the member for Lakeshore.

Mr. Lawlor: I think 911, 912, 913, can all be taken in one vote and leave 914 for the windup. All police matters. The only other thing—

Mr. Chairman: Well 912 is a separate segment dealing with the Ontario Provincial Police and I think they should be dealt with separately as separate votes.

Now 911, Ontario Police Commission and police training might perhaps be combined in one general discussion if the committee feels so inclined.

Mr. Singer: First, Mr. Chairman, on the point of order, if I may. I agree with the hon. member for Kitchener that we should deal with these votes as we come to them. However, there is a certain falling over. Vote 911 is the vote under which we can discuss all the police forces in the province of Ontario save the Ontario Provincial Police force, and in connection with the charges made by the hon. member for High Park (Mr. Shulman) at the initiation of these estimates, certain substantial matters arise that involve not only the Ontario Provincial Police but also involve at least one municipal police force. I would be prepared to reserve my comments in connection with that, Mr. Chairman, until we come to 912 and deal under 911 only with local forces. But it has been suggested to me that there is some question of the actions of some members of a local police force that relate, to some extent, to the charges made by the hon. member for High Park.

Mr. Chairman: Well I think we must deal with these votes as we approach them, and

as the member for Kitchener pointed out, we should deal with each of these votes separately.

Mr. Singer: I agree, but I would think that it would be talking out of context in relating—

Mr. Chairman: I can understand that there might be some difficulty in discussing some of these items without tending to get occasionally into the area that was either covered in a previous vote or by a subsequent vote to be reached later, and I think if the committee members try to confine their comments as well as they can, I will try to be as flexible as I can within the rules that are open and available to me.

Mr. G. Ben (Humber): Mr. Chairman, perhaps you could speak to the hon. member for High Park and see if he would come and appear before the committee and give us the benefit of any information that he may have obtained or tell us some of his experiences.

Mr. Singer: He really should be here.

Mr. Chairman: Vote 911. The member for Downsview?

Mr. Ben: I put the point quite seriously—will you speak to the hon. member and see if he will come before us.

Mr. Chairman: I do not intend to speak to the hon. member. If he wishes to attend before this committee he is as free to attend as any other member of the Legislature.

Mr. Ben: Well, can the committee not suggest to you as its chairman that you do ask him to appear before you?

Mr. Sargent: If we are going to be a worthwhile committee, why not?

Mr. Chairman: He is aware of the progress we are making in this committee and he is free to attend if he wishes.

Mr. Ben: That is not the attitude to adopt, Mr. Chairman. The committee is suggesting that perhaps it would serve its purpose if he were to appear before it and offer any information that he might have for the administration of justice, and I do not think it should be so cavalierly dismissed.

Mr. Chairman: Gentlemen, we have before us vote 911 and the member for Downsview has the floor.

Mr. Singer: On vote 911, Mr. Chairman, I want to discuss—

Mr. Sargent: Point of order!

Mr. Chairman: Is the member for Grey-Bruce a member of this committee?

Mr. Sargent: You have it in front of you. You know I am.

Mr. Chairman: Oh, of course. Excuse me. The member for Grey-Bruce. The point of order.

Mr. Sargent: I cannot understand the position of this government in trying to dodge this issue, and if this committee wants to give you directions—

Mr. Chairman: State your point of order.

Mr. Sargent: I fully concur with my colleague that this should be done by this committee if they are sincere in doing their job properly. Why you are dodging the issue, I do not know.

Mr. Chairman: I suggest to the hon. member if he wishes to invite the member for High Park to attend, let him—

Interjections by hon. members.

Mr. Chairman: —but it is not my position to invite him to attend.

Mr. Ben: What is wrong with inviting him to attend? Has politeness gone out of fashion?

Mr. Chairman: The member for Grey-Bruce has no point of order and I return the floor to the member for Downsview.

Mr. Singer: Mr. Chairman, on vote 911 I propose to discuss what I think is a very serious lack in our law insofar as dealing with difficulties in police departments is concerned. We had the ludicrous parade of witnesses before the Metropolitan Toronto Police Commission when they were enquiring into the so-called ticket fixing scandal, and I do not think anything did more harm to the cause of the administration of justice than the way in which it was handled and the end result. I do not think any thing really was achieved.

Mr. Breithaupt: The prestige of the police force suffered.

Mr. Singer: The prestige of the police force—the whole thing was just ludicrous.

First of all we had what appeared to be—at least to newspaper readers; certainly to the members of the metropolitan Toronto council, and finally to the members of the Metropolitan Toronto Police Commission—a series of charges made by a constable in the Metro-

politan police force which were grave in their nature and which deserved some kind of an enquiry. It was scheduled first to be a private inquiry but later turned out to be a public inquiry. All right!

The so-called inquirers were inquiring into their own administration, and I think from the very outset it was bound to result in confusion and lack of any positive results, because you cannot have the same persons who are conducting an inquiry inquiring into themselves.

If the situation was serious enough—and I suggest that perhaps it was—to warrant an inquiry then there had to be some other method of doing it. You cannot have a police commission asking if the police commission has run a good show, and that is what was being done.

The end result was that the commissioners were tearing apart on cross-examination, or attempting to tear apart on cross-examination, any criticism made by witnesses of any of the senior officials of that force.

It was impossible, really, for anyone to ascertain whether the evidence being given by Constable Samuel and those who appeared to give evidence along the same line, was in fact being treated with equal value as the evidence being given by senior police officials. And it stands to reason, Mr. Chairman, when you have this kind of an inquiry that this was all that you could expect. Because if Caesar is inquiring into Caesar, you just cannot expect that the course of the administration of justice is going to be advanced by that type of an inquiry.

What happened? At the conclusion the Metropolitan Toronto Police Commission came to the conclusion that the Metropolitan Toronto Police Commission was a pretty good body. That Constable Samuel perhaps had done some things that he ought not to have done, but that they were not really too serious. And Constable Samuel really was not a bad constable—because it was not serious enough to remove him from the force or to discipline him in any way.

Of course, the tortuous process that we went through to get down to that final conclusion insofar as Samuel was concerned was fascinating to watch. Because while they did not give Samuel any immediate promotion—for a few days he was removed from his job driving a police cruiser and I think put on some foot beat somewhere—the sort of thing that you hear about in New York, or in Chicago, where when a policeman runs afoul of the governing body he is sent out to the boondocks to parade up and down the empty

farms. Well when the press got hold of that, suddenly somebody else decided that perhaps Constable Samuel should be put back on his original job.

So what did we achieve? Many days of hearings, many days of bad headlines and no conclusion at all. I would think that we have either, in instances like this, to establish a body, a public body that can conduct these inquiries. Call it a board of police review if you want; I do not shudder at that thought. Or if the matter is grave enough, let us have a royal commission.

But when these matters have come to public attention and when there is serious doubt about the method by which our largest police force is operated—or our second largest, I guess the OPP is larger than Metro—then surely, Mr. Chairman, it must be in the public interest that any inquiry into the actions of the senior officers of that force and any inquiry into charges apparently made in good faith by a constable should be heard and dealt with in as impartial a way as possible.

That is the case there. A similar thing in Brantford. I am not going to go into the details of the Brantford inquiry, it is the same sort of thing. But we get into a very, very difficult position when the people inquiring are inquiring into themselves and when they are excusing, in essence, their own actions.

I think it is important, Mr. Chairman—I think it is of the utmost importance—that we establish in this province, without any further delay, a system of police review and have it done by bodies that are impartial and who can deal, most probably in public, with all complaints brought before them and deal with them in an impartial way. I am certain that the Lieutenant Governor-in-Council has enough ability to seek out the responsible persons who could form such a review body and could set them up immediately and make them available for this kind of an inquiry.

That is point number one. I have two or three other points, that is all I want to say on that one.

Mr. Chairman: Perhaps the minister would like to reply to this one first.

Hon. Mr. Wishart: Mr. Chairman, I certainly should like to speak to that.

First of all I must say I do not agree at all with the views expressed by the member for Downsview for several reasons. This was not an inquiry by the board of police commissioners in Metro Toronto into its conduct at all. It was an inquiry, and I think a

very proper inquiry, into the conduct of certain members of the force. The board of police commissioners—not only in Metro Toronto, but of all forces where you have a board of police commissioners—has a duty to administer that force, and if a question were raised as to the conduct of the members of the force which was beyond the jurisdiction of the chief to deal with, to inquire into it.

The hon. member, I think, went so far as to say that he thinks this warranted a royal commission type of inquiry. I do not think so. I think it would have been going very far afield and going far beyond what the situation warranted, as I think became apparent, to establish a royal commission to look into these matters of ticket-fixing by members of the force, not acts of the Metropolitan police commission.

The hearings were held in the full glare of publicity, in the light of public knowledge, news media and in every way the focus of public opinion was directed at that inquiry and it received the fullest type of coverage, and I think this was good. The fact that out of that inquiry came nothing of great import perhaps supports my submission that this was not the type of thing which warranted for one moment a royal commission of inquiry. We have had some of those and—

Mr. Sargent: Not enough.

Hon. Mr. Wishart: I think we have had some that were not warranted in their result. Perhaps the fact that we have had them is a good thing, but I think that some—

Mr. Sargent: On these hearings I think the ordinary citizen comes in courtrooms to get away from the judiciary and the law.

Hon. Mr. Wishart: Well, that may be a point.

Mr. Chairman: I have the member for Grey-Bruce down to give him an opportunity to speak.

Hon. Mr. Wishart: These were ordinary citizens. I would mention that the commission of Metropolitan Toronto is made up of two judges, two municipal representatives—the Act says the head; it can be the head of a municipality or his representative—and a member appointed from the citizenry by the Lieutenant-Governor-in-Council; it is a pretty representative body, representing public opinion and public interest. There were counsel present—the commission was represented by counsel and other parties present were represented by counsel—and there was

a full scope for examination and cross-examination of witnesses.

I do not agree for a moment that this type of thing called for a royal commission.

As to the board of police review, I think that comes along in the same area of my consideration, that if you have appointed boards of police commissioners, as you do under our police Act, where you have the head of a municipality or an elected person representing the public, you have a judge of a county or district court—I am speaking of the normal commission—and you have a citizen appointment by the government; I think that where you have a person who is elected to represent the people, you have a judge who has judicial quality, who has training, who is independent, who has security of tenure, who should be impartial, the quality of judgement and needs to make no colouration of his thoughts for any reason, and you have a citizen—

Mr. Sargent: On the Ontario Police Commission?

Hon. Mr. Wishart: No, on any board of police commissioners that runs a police force.

You have another citizen representative—not elected, it is true but selected and appointed by the government.

Mr. Sargent: He has overruled every case by the judge and the—

Hon. Mr. Wishart: No, no. This is not so.

Mr. Downer: The member for Grey-Bruce said they overruled the judge.

Mr. Sargent: That may be good.

Hon. Mr. Wishart: I think you have there a very representative and very well designed board of administration above the chief and his men to control, administer and direct the police force. Metropolitan Toronto is broader and wider even than that—two elected members, two judicial persons and a selected person by government. Government does that because it has some responsibility in the matter of policing, as the members here have been trying to point out on many occasions.

Mr. Sargent: What about the Ontario police?

Hon. Mr. Wishart: We are not dealing with the Ontario police force. I am talking to the points raised by the member for Downsview.

I do not believe, and I do not think it will serve any great purpose, over and above a board of police commissioners such as Metropolitan Toronto or any local municipal board of police commissioners, to set another board of public review that is going to have any great function to perform.

I am trying to make the point that in your board of police commissioners you have the public well represented. You have the responsibility of government represented there, you have the elected citizens represented there, you have a judiciary represented there to lend impartial balance.

Mr. Sargent: You have a safety cushion there.

Hon. Mr. Wishart: I do not accept the idea of what some of our American cities, with their very different and very serious problems, have thought it wise to do. I do not think it is a good example to follow. I do not think it has merit. I shall wait and see.

Mr. Singer: Mr. Chairman, the Attorney General and I have disagreed before and we disagree very substantially on this point. It is trite saying that not only must justice be done, it must appear to be done.

Notwithstanding the qualifications and the apparent integrity of all the members of the Metropolitan Toronto Police Commission—I know them all personally—they were charged with the task of investigating their senior officials. They were charged with the task that if they found those senior officials doing something wrong, to in fact condemn themselves, because the charges of Samuel were so widesweeping. He had picked out most of the senior officials either directly or by implication who were running the Metropolitan Toronto Police Force.

If those charges had in fact been valid, then the essence of the whole exercise—

Hon. Mr. Wishart: But they were not valid.

Mr. Singer: Had they been found to be established, then the essence, the end result would have to be that the Metropolitan Toronto Police Commission would have to say: "A terrible thing has been going on in our department, the one that we run, the one that we administer, because all our senior officials have been doing their jobs badly, some of them even corruptly and the ones above those, whose duty it was to supervise, did not spot it".

Those people were set with an impossible task and any casual reader of the events of that ludicrous inquiry, and I call it that—

Hon. Mr. Wishart: It would have been just as ludicrous—

Mr. Singer: —had to come to the conclusion that no matter what might have appeared, that there was not impartial judgement being rendered insofar as those charges were concerned.

Now if the charges were ludicrous, then why did the people who dealt with the matter not have the courage to say: "Samuel, your charges are ludicrous. Samuel you are fired."

You did not even follow that aspect through.

If the senior police officials were all absolved and they all acted perfectly properly within the scope of their duties, and everything they did was rational and logical, then Samuel should have been condemned.

The one futile attempt to slap Samuel over the wrist and send him out to the boondocks to supervise some stone quarry did not last very long after the newspapers got at it. Immediately he was restored back to his original position.

So is the Attorney General in fact saying that they had all those days and days of hearings and front page stories and Samuel's charges were ludicrous, but we do not do anything to Samuel because he is a good policeman? We put him back exactly where he was and the actions of all the senior police officials were fine, so we do not anything to them, so let us all forget all about it because everyone was doing their job properly!

If that is the position the Attorney General wants to take, I cannot stop him from taking the position. I just say that to my mind, and I think to the minds of most of the people who have followed this through the newspapers, that equally it does not make any sense. There was the inquiry; there was the result and nothing happened. It just fizzled away. All right, let us leave that one.

Mr. Chairman: The member for Kitchener.

Mr. Singer: No. I have—

Hon. Mr. Wishart: Mr. Chairman, there is one small point. I had not quite finished.

On the discipline of Constable Samuel, my recollection was that he was involved

just towards the end of the inquiry in an accident with his motor vehicle, which the police authorities felt was something that showed his negligence or carelessness in his behaviour—

Mr. Ben: Mr. Attorney General, now you have loaded the bases and let a guy hit a home run.

Hon. Mr. Wishart: To have refused to have disciplined him, in the face of the commentary which might be made on account of his evidence before the commission, would have been a weakness on the part of his superior officers. It was a small offence, a small breach of discipline and he was disciplined in a small way.

Mr. Chairman: Any further discussion on this particular point? The member for Humber.

Mr. Ben: Yes. I am afraid I have a big issue with my colleague on this hearing. To begin with, when you wash dirty linen, some of it comes out tattle-tale grey. At least, there was a wash and it had the air, to try to bleach some of that linen.

I do not agree with my hon. friend, that judges or the people who sit on these commissions are not that important. I think what is important is that the hearing be open, so that the press are there to report.

Hon. Mr. Wishart: It was open.

Mr. Ben: In the long run, to give effect to what my hon. friend wants, that is that justice appears to be done as well as be done, the press must report it and let the people be the final arbiters. They always are the final arbiters; as they are on our efforts here, as they are everywhere else.

The salutary thing about this hearing was that we finally had an open hearing of the police commission for Metropolitan Toronto. The glare of publicity was open to everybody and we had a chance to know what goes on behind these commission doors. It rose out of allegations made by Lott, actually. Samuels was called as a witness.

Hon. Mr. Wishart: Right.

Mr. Ben: He was called as a witness. I think it would be reprehensible if Samuels was in any way punished because, in essence, what that would be doing is punishing a person for getting up and testifying. I think, Mr. Attorney General, we have some law against that. What do they call that? It is not important, but anyway there is a section—

Hon. Mr. Wishart: Intimidation?

Mr. Ben: —for people testifying. Whether he was right in what evidence he gave or whether he was wrong, that is for the public to decide. But surely you cannot punish Samuels for coming up as a witness? I just cannot see that. I can understand how the senior officers of the police force might be biting their nails in frustration, trying to determine how they could get at “our boy Sammy”, but they could hardly do anything in public without being crucified, so to speak, because then everybody would accuse them of doing this out of vindictiveness.

As I said, Mr. Attorney General, you were batting 1000 until until you brought up this business about him being taken off that car because he had an accident. You loaded the bases and you had a guy knock the ball out of the park. That was vindictive as far as I am concerned. It was a very mediocre little incident and they used that incident to take away his hotrod.

Hon. Mr. Wishart: I just report what I read in the paper.

Mr. Ben: You did not quite report it—

Mr. Singer: Mr. Chairman, while on this point. The hon. member for Humber is entitled to his opinion as is anyone else, but I think he and the Attorney General have completely missed the point. Merely because you had an inquiry in public does not ensure that justice will be done. It is who inquires. You have to have impartial inquiries and by reason of the very structure of this inquiry, the inquirers could not be impartial.

That is where this falls down, Mr. Chairman, and my friend for Humber in his great desire always to distinguish every point has made a very serious mistake. However, he is entitled to his opinion.

But the fact remains, Mr. Chairman, that we have to have, in my opinion, and I would say in the opinion of many thinking people in this province, we have to have a better system of doing this.

Mr. Ben: I guess, Mr. Chairman, that nobody in this world is impartial except the members of this Legislature and myself, and I am not sure about the other members. The only way you can counteract that is always having publicity there—have the press there and have the press report accurately and in detail.

Mr. Chairman: Does the member for Kitchener wish to direct any comments to the subject?

Mr. Breithaupt: Yes Mr. Chairman, I was just going to talk about the principle of police commissions as such.

It seems to me that in following the comments of the member for Downsview that I would ask the Attorney General to give further consideration to the involvement of citizens on police commissions. It seems to me that we are placing members of the judiciary in a difficult position. We are not questioning their bias or their lack thereof in any way, because a person appointed to that position is assumed, and I think properly so, to have left behind him when he accepts this position any prior personal connections or activities, or any question of an improper involvement or something that might tend to cause a point of bias.

I know in the city of Kitchener our police commission is composed of our county court judge, our senior provincial court judge and the mayor. I would think it is very difficult for those three gentlemen to deal with a matter involving a local police constable. After all, the constable is being seen by all three of them in his daily work, in his administrative work, either with the city authorities or through the administration of justice within the city. As a result I think that we are placing in a difficult position the judges, both of the county court and of the provincial court, in having them serve in this function.

We are asking more of them than I think we have a right to ask. We are asking them to deal with disciplinary situations, perhaps, in which they are simply too closely involved. And while of course we presume that there can be no question of bias or of favouritism—and I am not for the moment to suggest that there would be—still, in the eyes of the public, the fact of a public hearing, of newspaper reporting, of any other kind of publicity, may not be sufficient to remove the last doubt. And the last doubt of course is one of naturally knowing of a person, whether it is at a distance or in a daily working relationship.

It seems to me that the licensing—the taxi licences and these other items that police commissions carry on—are no longer a proper function for this kind of a body. I think that this kind of a body should have a stronger citizen representation, but the kind of representation which will, as far as possible, remove its members from the daily contact with the persons over whom they may have to sit in judgement.

Obviously any citizen may have some contact with the police force within his community. If we were to remove everyone with the possibility of a connection, there would be no one left to sit. Obviously so. But I think that this matter deserves a lot of thought.

I think that we could attempt to consider some kind of a system which struck a better balance and which completely removes any possibility of an unfortunate decision being made, based on some knowledge of character or of some other matter that might influence a decision. I know of no example where this has happened and I would fervently hope that none would arise within this province.

I have no question but to think that the persons working on these commissions are operating them in the best interests of all the citizens they represent. But we are placing quite a strain on these individuals and my only point is, is the strain a fair one to place? Should we not be considering some other kind of approach?

Mr. Chairman: Mr. Minister?

Hon. Mr. Wishart: I have listened carefully to the remarks of the member from Kitchener and I think I might just say this, in thinking about what he says. If I could, just briefly, take you back to The Police Act as it related to the constitution of the board of police commissioners a few years ago. It required, at least, it outlined the personnel as the head of the council, a judge, a minister of higher court and a magistrate, in the days when we called our provincial judges magistrates. That is the kind of board you have, apparently, in Kitchener today, if you have the provincial judge along with the county judge and the mayor. The Act was amended some seven or eight years ago to change the third person, the number C, from a magistrate to another citizen.

Mr. Breithaupt: From the mayor?

Hon. Mr. Wishart: No, not from the mayor. The mayor has always remained. It gave an opening to appoint not a magistrate but to appoint a citizen. We have moved, and I should like to point this out—since that amendment—we have moved largely along the line of not necessarily replacing the magistrate except as the occasion arose. When magistrates retired or died or gave up their office, we have almost invariably appointed a citizen. And yours is perhaps one of the, maybe not rare but one of the fewer boards

where we still have what we now call two judges.

But let me say this. Those boards worked very well even when it was the mayor, the judge and the magistrate. What had existed prior to that was a committee of council. Citizens, elected citizens; responsible, I take it, citizens, and there were all sorts of difficulties. There was pressure on that committee, on the members of that committee, to exert influence on the police in various kinds of ways, as you can imagine, and they were numerous, and there were continuous difficulties. The Act left it open to deal with the administration of a police force by the board, or by the committee, and one by one, and one after another, the municipalities themselves abandoned the committees of council and came voluntarily to us, asking and seeking to have us appoint boards for them. That is right, asking us—

Mr. Sargent: A point of order, Mr. Chairman. Repeatedly, Mr. Minister, the mayors' and reeves' association had requested that you change from the current situation. I do not recall at any meeting of the mayors and reeves association where they did not have a resolution asking that they be changed from the judge, the magistrate and the mayor to a—

Mr. Singer: To a committee of council.

Mr. Sargent: —committee of council. This has been unanimous.

Hon. Mr. Wishart: You mean they are asking to go back to committees of council.

Mr. Sargent: No not committees of council but that we change the third person to be—

Hon. Mr. Wishart: All right, I agree with that. I was going to deal with that.

Mr. Chairman: The member for Grey-Bruce is next on my list and I will give him the floor when the minister is finished.

Hon. Mr. Wishart: The member for Downsview just indicated that he thinks these resolutions have asked to go back to com-

mittee of council. I want to clear his mind on that. That is not so. One after another, municipalities recognize the weaknesses and the failings—

Mr. Singer: Your legislation says they have to have, that cities have to have police commissions constituted in the way the statute says. It is not voluntarily at all; it is mandatory.

Hon. Mr. Wishart: It is now, yes.

Mr. Sargent: I did not know it was voluntarily.

Hon. Mr. Wishart: But—

Mr. Sargent: It was never made known to me.

Hon. Mr. Wishart: But there have been no requests that I know of, or very few indeed, that would go back or have asked to go back to a complete committee of council. If you did, I think you would have the same weaknesses, the same failures, the same scandals again, that you had before.

As to the appointment of the third member, the magistrate, I have mentioned that we have got away from it, as a matter of policy, although the Act does not forbid the appointing of a magistrate as a commissioner. I do not think the mere fact that you appoint three citizens is going to do anything other than cause a lot of difficulty.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: I was on the police commission for 12 years. The balance of power is that there is the mayor, the judge, the magistrate and the chief of police. So we have three against one at every meeting.

Mr. Chairman: Gentlemen, there is a division in the House. We will have adjourn and we will reconvene at 8 o'clock to continue with vote 911.

The committee recessed at 6 o'clock, p.m.



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STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Thursday, June 18, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

THURSDAY, JUNE 18, 1970

The committee resumed at 8.05 p.m. in committee room No. 1; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (continued)

Mr. Chairman: Gentlemen, if I may call the meeting to order. Could I have any substitutions for the parties for this evening, if they are different from this afternoon? Is Mr. MacDonald substituting for Mr. J. Renwick, or is he coming back?

Mr. D. C. MacDonald (York South): I expect he will be back.

Mr. Chairman: How about Ian Deans? Any other substitutions? Mr. Ben is substituting for Mr. Good, but he was not formally substituted in the afternoon session.

Mr. M. Shulman (High Park): Am I substituting?

Mr. Chairman: Not formally. Let us see. Ian Deans, we have a substitute, Mr. MacDonald. Mr. J. Renwick is left in. You have a third member in the committee, do you not?

Mr. Shulman: Mr. Lawlor is here.

Mr. Chairman: Of course, yes. I missed Mr. Lawlor's name. There is nothing to dis-entitle you from speaking, Mr. Shulman. I think we will just leave it like that, if that is satisfactory to the members.

Then we have as substitution, Mr. Whitney for Mr. Boyer, Mr. Sargent for Mr. Bullbrook; Mr. MacDonald for Mr. Deans; Mr. Carruthers for Mr. Dunlop; Mr. Ben for Mr. Good; Mr. W. Erskine Johnston for Mr. Hamilton.

Mr. Sargent, I see is here, for whom are you substituting, Mr. Sargent? I missed that, of course, at the beginning. It did not register with me. In one ear and out the other, or something.

Mr. Breithaupt substituting for Mr. Sopha.

Mr. V. M. Singer (Downsview): Mr. Breithaupt is not here at the moment.

Mr. Chairman: I expect he will be in due course. Gentlemen, then I call the meeting to order.

When we rose at 6 o'clock, the member for Lakeshore had the floor, and I see he has the floor again.

Interjections by hon. members.

Mr. E. Sargent (Grey-Bruce): I was speaking when the House closed.

Mr. Chairman: Were you? Excuse me, then the member for Grey-Bruce has the floor. I have the name of the member for Lakeshore down here, and I thought he was on his feet at the time. Will the member for Grey-Bruce then continue.

Mr. Shulman: Vote 911?

Mr. Chairman: Vote 911.

On vote 911.

Mr. Sargent: Mr. Chairman, in line with the thoughts of the member for Downsview and the member for Kitchener, we were talking about the personnel on police commissions across Ontario. This is an annual debate with the minister, and he is constant in his view that it should not be politically chosen. Across Ontario, as I know it for years, the personnel on police commissions have been the mayor, the county judge and the magistrate. Invariably, the police chief sits in on the meeting, so it is three to one in everything that comes up in a police commission; it is three to one. This is maybe an aside here, but I was first elected mayor many years ago; the judge and the magistrate did not have any—

Mr. P. D. Lawlor (Lakeshore): Were you a mayor?

An hon. member: It must have been a long time ago.

Mr. Sargent: A long time ago. The judge and the magistrate—

Mr. Singer: The best mayor that Owen Sound ever had. Okay.

Mr. Sargent:—did not think that I could be chairman of the commission, and so for the first two years either one would be the chairman of the commission—

Interjections by hon. members.

Mr. Chairman: Order, gentlemen, please!

I think it would be preferable if we try to stick to business tonight. We will get through this a lot faster.

Mr. Sargent: As an example of what happened, neither one of these two gentlemen, the judge and the magistrate, thought I could be chairman of the commission.

Mr. Chairman: They were probably right.

Mr. Sargent: They were probably right. So the third year, I thought, it is going to be interesting to watch this thing happen, so we had our meeting.

Mr. Chairman: I am sure it would have been.

Mr. Sargent: The judge moved that the magistrate would be the chairman, but he could not get a seconder.

Mr. Chairman: That is understandable.

Mr. Sargent: So the magistrate moved the judge be chairman, and he could not get a seconder. So we had two or three weeks where it was without a chairman. Finally, it worked out that one of them conceded to second my nomination. I nominated myself. I got a seconder, and I was chairman of the police commission.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, could I just interject here. This shows a wonderful democratic process. The wonderful facility of the police commission.

Mr. Chairman: Order!

The member for Grey-Bruce.

Mr. Sargent: Why is it, Mr. Chairman, that progressively we are watching across the world, the wide powers of police. We watch it in our American counterparts, and it could develop into this province we are living in here; the very fact that the police commission in Ontario has not an elected person on it. They are all appointed people.

I feel it wrong that a county judge on the one hand, in the morning he is dealing with the administration of justice, in the afternoon

of the very same day he is dealing with the enforcement of law. I submit to you very sincerely there must be elected people on the police commission rather than appointed.

We have in this province—I just counted today, Mr. Chairman—we have 124 boards and commissions appointed in this province and not elected by the people.

That is a shocking thing. The people have no recourse to all the things that affect our lives, and the most important thing is our liberty, our justice. These main things that we treasure so much, we fight for and die for, they are not controlled by elected people, but by appointed people.

I submit that if these people are going to make policy that affects our lives and our freedom, then they should be elected people.

I submit, very sincerely Mr. Chairman, that the time will come that the Attorney General will realize that in the end the people are right, as far as I am concerned.

At local level we have two judges now—a county judge and a magistrate as a judge now—and a mayor and a chief of police. So there is three to one against the elected person, and this is entirely wrong in my thinking.

You say you submitted an out to them, they can appoint a person. I have never heard of it. I have been in municipal politics all my life and I never heard of that thing. How many people have done that?

Hon. Mr. Wishart: Well, Mr. Chairman, I speak again briefly to this matter.

First of all I have to say that insofar as the appointment of a provincial judge, formerly our magistrate, was concerned, I think I have indicated that we have a policy of moving away from that. It should be a citizen for the third person, the mayor. Some boards still retain the magistrate. I presume from the way you speak that that is true in your city of Owen Sound.

We should move away from that I agree, although I must say this in fairness to the magistrates, the provincial judges, that although they sit in the criminal court and they see the policemen day by day I think this probably gives them an understanding of his responsibility, of his character, of his performance, and of his deportment, so that they are in a position, perhaps, better to judge that policeman's conduct than someone who does not observe him so closely.

Again I have to reiterate that that judge, as well as the county judge, is appointed with security of tenure for a number of years until

he reaches retirement age, and he is independent and he is trained and he has a judicial aptitude and ability. I do not think that is bad and I have to go back to the history of the former police commissions, where they were citizens, committees of council, elected persons, and remind you that—

Mr. Sargent: How many were there here in Ontario?

Hon. Mr. Wishart: I do not know how many, but before we set up The Police Act defining the composition of a board of police commissioners as it now is—

Mr. Sargent: Someone must know how many there were.

Hon. Mr. Wishart: Well there are 900 and some odd communities; I do not know how many have boards and how many have committees.

But what I am saying is that those that had committees of council were plagued continuously with the situation where citizens in the community were coming to a citizen on the police commission and saying: "Use your influence to fix my ticket;" or, "My uncle has been charged with impaired driving, reduce the charge;" or this, that or the other. There was continuous scandal in that type of police administration. I think we have got largely away from that and I would hate to go back to that.

I will agree with the hon. member that perhaps there is virtue and merit in having the one judge and then the citizen who is selected by the Lieutenant Governor-in-Council, who represents, in a sense, the responsibility of government, because it has a responsibility in the administration of police forces. But at the same time, as a citizen I want to say to the hon. member that quite often, in selecting that person, we ask for and obtain a very wide range of opinion as to the person. Quite often—

Mr. Sargent: I did not hear yet, but is it working?

Hon. Mr. Wishart: Quite often we get the recommendation of the council. I will confess that I do not always take council for the—

Mr. Sargent: How many have you done, sir?

Hon. Mr. Wishart: I have dozens. I just want to make a completely general and

factual statement. We do not always take the recommendation of the mayor or council, because sometimes it becomes quite apparent that they are selecting the man who will always vote with the mayor.

That is not the principle by which we go. We want an impartial independent, capable board; and I have had to say to the mayor: "Sorry, I cannot in the circumstances accept your recommendation." This is an appointment by the Lieutenant-Governor-in-Council, and we select a citizen of good character, of ability, who we think has the character to withstand pressures and to exercise good and independent judgement.

I think this is far more valuable for the benefit of your public, your citizens, than to put somebody in there that will vote always with the mayor.

Mr. Sargent: I want to be brief in this, but in all my attendance for years at mayors' and reeves' associations, never once did they have an annual meeting without the request to do away with, not the committee of council, but the three—the mayor, the judge and the magistrate.

Hon. Mr. Wishart: They do not like the magistrate.

Mr. Sargent: And I am amazed to find that you are doing this; I never heard of it happening any place.

Hon. Mr. Wishart: I did it in my own city, first of all.

Mr. Sargent: Well this is good, but I think—

Hon. Mr. Wishart: Let me tell you about that. The magistrate retired—we have the judge, the magistrate, and the mayor. The mayor, who was in office when I came to this office, retired at the end of 1965 or thereabouts. The magistrate's term ran out at that time, and I appointed the immediate ex-mayor and that board exists to this day—the mayor and ex-mayor, and a judge.

Mr. Sargent: That is good.

Hon. Mr. Wishart: It works well.

Mr. Sargent: You have lay people there in justice, which is—

An hon. member: In some cases it is.

Mr. Sargent: It is my submission that in the overall view of it we have to get elected people, or lay people, back in the law and

proceedings of law. But the American Bar Association—before a very brief summation of what I would like to see happen in Ontario here—is to get laymen into the proceedings of the bar disciplinary groups.

Let the Attorney General appoint a small group, whose sole function would be to make semi-annual surveys of the workings of the civil law and the courts on the public. The small staff might consist of one of the new breed of sociologist lawyers, and an experienced newspaperman investigator. Every six months they might issue a cogent, readable report of the particular abuses they found in some specific area—probate courts, incompetency hearings, the workings of the sheriff's sale, sales for debt, garnishee abuses, the inadequacy of the bar discipline—the possibilities are many.

Properly publicized in each of the counties, the semi-annual survey could not only highlight the evils of some malfunctioning part of the law or the courts, but could easily become the basis of recommendations to the Legislature.

Once a situation had been effectively publicized on a province-wide basis, there would be considerable pressure on the legislators, both lawyer and non-lawyer, to pay heed. Somewhere along there is need—as my friend, my colleague from Downsview says—there must be a court of review. As he said it must also appear to be justice to the public.

Hon. Mr. Wishart: Right.

Mr. Sargent: Mr. Chairman, before I relinquish the floor here, through this estimate can we ask questions on certain expenditures or am I barred from further—

Mr. Chairman: Dealing with the Ontario Police Commission and police training, this is the vote we are dealing with and—

Mr. Sargent: Well, then if I—

Mr. Chairman: I observe to the member for Grey-Bruce that if his questions are within the purview of this vote, then of course he will be heard. I am not foreclosing discussion on the Ontario Police Commission when we go to police training—we are dealing with this as one open discussion.

Mr. Sargent: May I ask the minister then, who are the personnel of the Ontario Police Commission now?

Hon. Mr. Wishart: The chairman is Percy Milligan, who is a former crown attorney, and I think he still holds—

Mr. Sargent: He is a lawyer and a criminal crown attorney?

Hon. Mr. Wishart: Yes, he is a lawyer and a crown attorney. Judge Thomas Graham.

Mr. Sargent: Is that General Graham?

Hon. Mr. Wishart: No; and Major-General Sparling.

Mr. Sargent: Major-General Sparling?

Hon. Mr. Wishart: He is a part-time member.

Mr. Sargent: What is his background?

Hon. Mr. Wishart: He is on the planning council in the Metropolitan area of Toronto.

Mr. Sargent: These men were all appointed in 1963—they are the same board?

Hon. Mr. Wishart: I believe so, yes.

Mr. Sargent: And what are their salaries?

Hon. Mr. Wishart: Their salaries. The chairman's salary is \$28,300. The full-time member who is Judge Graham, is \$24,000. The part-time member General Sparling is \$7,500.

Mr. Sargent: How often do they meet?

Hon. Mr. Wishart: They are sitting continuously.

Mr. Sargent: That is all, Mr. Chairman. Thank you.

Mr. Chairman: The next speaker I have on my list is the member for Lakeshore.

Mr. Lawlor: On this specific topic, without ranging out into the areas concerning police surveillance and police control and the whole problem, but on the problem of the philosophy of the police, I do take some exception to the position of the Attorney General in this matter.

When I consider the overtures made by St. Christopher House, the people of the black community a year ago, in which they said: "We want to find out your ideas and solutions on the problems of police intimidation; the harassment of our people, man, woman and child by unprovoked assault; race, colour and habitat; unprovoked police beatings; sometimes hauled down to the station, in error, on the excuse that they are investigating a crime, and after physical abuse, released after a warning; stopped in the streets, whether in cars or walking, for

no apparent reason and frisked and questioned and then told to watch our step; police delay in approving permits for carnivals for our people."

When you consider all that in the context of the role that the commission has played with respect to a number of matters, Mr. Chairman; the obtuseness and disregard and total failure to meet the demands of many parents from my riding and other places with respect to traffic guards; the holding of private meetings where they determine these things in secret, *in camera*; this business of the whole picture certainly weighs strongly against the role and operation as presently in effect by the Metro police commission in this particular city.

On police commissions as a whole, I am perfectly cognizant of the animus, the deep feeling of the police forces throughout the Americas, particularly in the United States, about civilian review boards. It is enunciated and the point is made extremely strongly in the staff report of the national commission for the causes and prevention of violence. There is a presidential report in the United States as to the feeling of the police in this particular regard. One you know can have a certain area of sympathy for the feeling of the police that every time they misfunction, every time they make a mistake, every time a citizen is called up on to the carpet or is questioned that they themselves are subject to a similar review. They wish to avoid this. Can there be any argument in a democratic constituency against civilian review boards?

Mr. Singer: Hear, hear!

Mr. Lawlor: The Attorney General makes it over and over again, but that is a throw-back. It is a failure to feel the temper of the times and to live up to the real necessities of the situation.

There is a spillover. Our problems are not as endemic or as polarized, as terrifying in the import and effect, as those of the United States. We recognize there are special problems; they are temporized and we are sage people comparatively, I trust, against our American brothers. Nevertheless, how on earth can you possibly justify this type of ingrown, entrenched and atavistic system that you perpetuate in this province, by having the very people sit as judge and jury on their own cases?

There can be no justification for what the police commission of Metropolitan Toronto does—you know, I am particularly concerned with this entity.

What did they say to the black people when they made these overtures? They rejected out of hand that they come and visit them and see them at their community house at St. Christopher. They said that—they always take a very lofty attitude, you know; I do not want to be too harsh in my terms, but the fact is that they are absolutists in judgement and—

An hon. member: You will upset the apple cart.

Mr. Lawlor: —they hang back. They protect their position. The commission said at first it had rejected their overture completely as contained in a story June 6, 1969, in the *Toronto Daily Star*. The commission said it first wants a list of specific complaints. "After that we will gladly see a small deputation through Judge Ian Macdonell," the deputy chairman said. This is their answer to them and these people are profoundly upset.

I will never forget the role the police commission played when they knew there was a death of a child in my riding; and a security guard died in the process, on Highway 27.

Would they listen? Would they pay any attention whatsoever?

This is the most elitist, withdrawn, obtuse, opportunistic, divided police commission I can possibly mention. It is not in the least democratic. It has no sense of rapport with the population at large and you perpetuate that by way of your appointments. May I bring, you know—

The position is set forth—I think there is some sense to it—by Alan Borovoy in the edition of the *Toronto Daily Star* on September 22, 1969: "How to Restore Faith in the Police Commission."

Borovoy has his own panacea, his own particular recipe for solving these particular problems. Either his recipe is accepted or an alternative one is accepted, you know. The one that has been suggested so far today, namely that the police commission no longer be an appointed body in the sense that it is at present, but be an elected body; and be, first of all expanded, and secondly be a body truly representative of the needs—

Mr. Singer: Responsive.

Mr. Lawlor: And responsive too, yes; to the feeling of the people at large.

Now what Borovoy put forward as an alternative solution—

Interjection by an hon. member.

Mr. Singer: They are responsible to you.

Hon. Mr. Wishart: Yes.

Mr. Singer: You are the only authority.

Hon. Mr. Wishart: You are right. A very different tune.

Mr. Chairman: Order!

Mr. Lawlor: Borovoy takes an intermediate position. He thinks that the police commission by and large might continue, I suspect you know as he says, as far as I can determine, as it presently is, but that a citizens' advisory bureau be set up as a kind of cushion between the police commission as such and the citizenry at large.

Willy-nilly, whether or not we like it, there has grown up a certain feeling of animosity, hostility if you will, between the police as they presently operate—and I will have a great deal to say about this in the future—and the body of the citizenry at large.

He thinks that this citizens' advisory committee might mediate, might be a conciliatory body. I think he is thinking of the civil rights commission, that kind of thing, where you can mollify, hear complaints, be completely open to citizens' feelings about being treated badly by the police department in many instances. They can act as a conciliatory body between the two. It would have a very valid role to play. It has worked in Philadelphia and other places.

Admittedly, while our problems are not by determination, simply the same as theirs, there is, I say, a spillover of the same kind of feeling involved. When you get 91 citizens arrested at a particular parade or for a particular desire to express their opinion, it becomes a fairly terrifying thing in a democracy, in our country, that there are not the proper instrumentalities, there are not the proper media through which to address themselves and to make their representations. The perpetuation of the present system only is going to condone and make this infinitely worse.

His arguments are eminently reasonable, I think, and eminently sound in this particular regard. He says that this is the function that they will perform; that they will try to ameliorate the situation, but that as a second step they will be given the authority to appoint an independent inquiry board. That is where the whole gravamen lies in this situation. We have no sense that the police commission, in any way, judges impartially, impersonally, judicially, if you will. And this is what justice means—to stand apart for a few moments from

the issue and to look objectively at these issues.

They are ingrainedly cemented to and identified with the operations of the police. They have to be. They place their finger and their hand on the *status quo*. They will defend it, irrespective of how much affliction it may bring upon others, and the citizenry come to feel that after a time. Therefore, a most terrifying thing happens in the society. They are in a far worse state in the United States where the polarization of political lines is far greater and the racial issue, of course, compounds it.

Even here, you know, where the fructification and the movement of things that are taking place in contemporary society are affecting us too, it cannot be said that a police commission that is invidiously allied to the stance of the operative interests of the powers that be is in the best interest of the police. To keep a good image, to smooth over, to whitewash, to pretend—that is the function that they are presently performing.

Mr. Singer: Senior officials can do no wrong.

Mr. Lawlor: Yes, this is the stance of authority at all times in all history and in all civilizations. This is the stance that is being questioned, not only by members of the opposition but by society at large. And unless you move to forfend against that particular position and make them objective, then you are not meeting the needs of the people of Ontario at the present time.

Above all, I say, access to the Olympian world of the police commission is a privilege, sometimes granted, and only when, where and how the police commission decide to grant it. And they go on, in these terms that they argue, that they represent several functions. They represent the initiatory function of the investigation. They represent the executive function of the process of bringing citizens before them. And finally, they represent the judicial function.

If you have any faith in McRuer at all, he separates those functions, at least to a degree. They cannot be in all these capacities, wearing half-a-dozen hats all at the same time—

An hon. member: They can.

Mr. Lawlor: —and it is high time we recognized this particular position. The minister is just going to have to move out of the present position. I mean, I will not refuse to say a thing, because it has been said too often

in the past. It cannot be said too often while no change is made.

Mr. Sargent: Darn right they are.

Mr. Lawlor: Good things can never be said too often anyway. That police, that magistrates, or judges who sit on one police commission or another—and some of them sit on as many as three or four—

Mr. Sargent: That is right.

Mr. Lawlor: —police commissions in adjudication over labour disputes, over the police commission themselves—

Mr. Sargent: They will have to stop. They are moonlighting actually.

Mr. Lawlor: —and these men have no power to strike. Real moonlighting.

Mr. Sargent: Real moonlighting!

Mr. Lawlor: And who have never given anything in that particular regard. Never given an inch. The Attorney General has always said that the men are completely objective and—

Mr. Sargent: Of course.

Mr. Lawlor: Well of course I never thought anything more obtuse in the position of the Attorney General under this head. He does not even give a simulacrum of a reason why this should operate, nor does he give any indication why he should move away from that situation.

And while he says he is going to appoint—in the place of the former magistrate—a citizen to the board, all to the good. But what a minatory, crablike movement this is towards establishing some rapport with the general community in this regard.

The body of the citizens must exercise you. I mean there is a balance of forces here; either the populace at large and the democracy control the activity of the police, or the police control the activity of the Demos. You take your choice. I am suggesting to you—

Mr. Singer: Very well put.

Mr. Lawlor: —this is the only way of doing it and that is to give it into the hands of civilian review boards—as secondary boards, where there are secondary boards. You may retain your police commissions if you will, but at least produce this new function which makes them viable to—sensitive to—the needs of the people at large; or replace them completely, which would be my position.

I do not agree with Borovoy's position, I think you are going to have that, and not in terms of establishing committees of council.

There is always the third possibility here. The third possibility is to have these people independent of the judiciary, not being judicial officers in one capacity or another themselves. What percentage is it of the public at large? I will not say it is necessarily as many as in the United States, which goes mad on democracy, that ought to be elected people. But the point is that it ought to be representative of the public at large and responsible to you, and through you to us, as opposition critics, who say that they are not truly objective people.

In this particular way I think you can establish a great deal of credibility. At the present time you are subverting the whole position of the police in this jurisdiction and others.

I am going to be saying later on tonight, I trust—

Mr. Sargent: Not again?

Mr. Lawlor: —that the chief—I will repeat it because it is so intrinsically important—that the police commissions and that the police themselves have a hang-up, and this is the simplistic position that we all take.

When we find that something goes against us we always blame it upon a conspiracy of some kind, or a particular individual. This is true about nations in blaming wars upon the other—as I call them—that other force out there, who are always hostile, always irrational, always opposed to the best interests, non-enlightened, and completely dedicated to the destruction of myself. This is the most primitive position taken by children, blaming everything upon other people. The police do this time after time, in my opinion.

I read the report, you know, of the U.S. Federal Bureau of Investigation on prevention and control of mobs and riots which I obtained from the library. And again and again this conspiracy theory—

An hon. member: The bells are ringing.

Mr. Chairman: So we hear. I wonder if we can ascertain whether it is a quorum call or whether it is a division. Perhaps the member for Durham (Mr. Carruthers) could check that for me. In the meantime, maybe the member for Lakeshore would carry on.

Mr. Lawlor. Well—

Mr. A. Carruthers: (Durham): He is far from finished.

Mr. Chairman: Quite, he would appear to be far from finished.

Mr. Lawlor: On this particular point, yes. On the role of police commissions and civilian review boards—I think they have a role to play and, as I say, I am cognizant of the police throughout the United States. Again, why our police force should take this attitude—they should be inoculated against it in this country—but why should they be all so subject to the disease of opposing it? I do not think that Syd Brown and others oppose it to the extent of the American people. They are much more flexible in this country. But nevertheless to have the thing as it presently stands on the several counts that I have mentioned, it seems to me to reduce the whole purpose of our police commission. It has grown up. It has grown up, Mr. Chairman, over a period of time.

Mr. Chairman: Gentlemen, time. I thought the hon. member for Lakeshore was about to wind up, but it looks as if we must cut it off here and adjourn for the vote upstairs in the House. Following the vote, we will reconvene with the member for Lakeshore having the floor on vote 911.

Mr. Chairman: Gentlemen, I call the meeting to order. The hon. member for Lakeshore.

Mr. Lawlor. As I was saying, prior to our slight adjournment, in a mood of complete rationality—

Mr. Chairman: Order, please!

Mr. Lawlor: By the way, how is the British general election going?

Mr. Singer: Thirty Conservatives majority.

Mr. Lawlor: Incredible!

Mr. E. A. Winkler (Grey South): Practical!

Mr. Lawlor: —and in a spirit of complete sobriety. You know these dinners in between sessions are—

Interjections by hon. members.

Mr. Chairman: Order!

Mr. Lawlor: To render the opposition completely ineffective.

As I was saying, Borovoy has recommended a citizens' advisory bureau as a second step, as an intermediary body between the police commission and the general public. That is his first step.

The second step is that if accord is not reached, if they cannot reach a settlement, then the citizens' advisory committee would be empowered to convene a public hearing to inquire into the entire matter. The final decision in power lies with the police commission, as Borovoy sees it, which I do not agree with, however constituted.

In order to avoid multiple levels of government and the multiplication of entities, which are completely unnecessary—we have bureaucracy enough, God knows—it would seem to me far more sensible to move in on the police commission setup as it presently stands and to see that that setup could not be in any way suspect or in any way adjudged to be partisan, as it presently unquestionably is partisan, in the employment throughout the province, of county court judges who sit on numerous commissions, or magistrates as they formerly were. The only local representation you get apparently is the local mayor.

This is a prejudgement. It is not in the vein of the times. It does not meet the necessities. The problem of the police in contemporary society has become a crucial one. It is one in which the police on one hand can be considered as a Frankenstein, created by ourselves, because of their predilection by and large for law and order—this monotonous phrase which is forever articulated like a incantation on the one side of the fence.

Law and order seems to come to mean by and large the suppression of civil liberties. True, while a balance must be maintained, the balance of liberties must be maintained within the concept of law and order. But who can judge that properly in any impartial spirit at all but a civilian review board derived in one way or another, such as the Attorney General sees fit, through citizenry at large, representing that citizenry and not having endemic, atavistic, dignified, predilected interests involved?

We have had a slight break in the proceedings. I would not want the impact of my remarks to be dissipated, I expect them to be taken in their full concentrated form.

Interjection by an hon. member.

Mr. Lawlor: Mr. Chairman, speak to the hon. member who sits opposite me here. He has a great gift for rearticulating the same thing in different terms time after time; his own members will agree.

Mr. Chairman: I suggest we come back to the subject, gentlemen.

Mr. Lawlor: Will you shut him up then?

Mr. Sargent: I have the OPP behind me here.

Mr. Lawlor: I think it is a good place to have them.

All right. I think I have said all that is necessary to finish these proceedings with respect to civilian review boards. They should be instituted and given some regard to.

Mr. Chairman: The next name on my list is the member for High Park, but he is not here at the present time so we will have to pass him over. The member for Humber has the floor.

Mr. G. Ben (Humber): Yes, Mr. Chairman, I find this a rather intriguing and entertaining discussion because of the sanctimonious attitude we all seem to be adopting these days. I would ask you, Mr. Chairman—perhaps the Attorney General can answer—since when is a magistrate not a civilian?

Mr. Lawlor: He is!

Mr. Ben: Since when is a judge not a civilian?

How much change does a title make and how much change does a uniform make?

For example, we have always prided ourselves on not maintaining a large standing professional army, that we had a civilian army. We had uniforms, we had ranks; but somehow we seem to have remained civilian soldiers.

How come elected politicians are the salt of the earth and how come appointed politicians are the scum of the earth?

How come a man is an honourable gentleman when he is a member of the House, but as soon as he ceases to be a member of the House and is appointed a magistrate or a judge, he ceases to be an honourable gentleman?

How come that the only honest and dedicated man on a three-man board of police commissioners consisting of a judge, a magistrate and a mayor, is the mayor; but that seldom, if ever did, you hear of a mayor blowing the whistle on his so-called unscrupulous colleagues? If the mayor was the one, if he was the honourable gentleman and the other people were not acting with propriety, then one would think that the honourable gentleman would have gone to the people and said that they were acting unfair.

How come that the professionals are not to be trusted but amateurs are; and how come that non-elected officials, who are supposed to be untrustworthy, prejudiced, biased and partisan, and so on, are given tenure for life but we, the elected officials, who are supposed to be honest and beyond reproach have to go every two, three, four or five years to the people to prove that we are honest?

How come that the police commission cannot act without bias or prejudice in reviewing the affairs and the conduct of the police, which is their responsibility, but the cabinet or the commission can do just that and is beyond reproach and it is non-partisan?

These things bother me. We hear the hon. member for High Park making headlines every day of the week about the threat of crime to our way of life that the Mafia sets for us. We have editorials written on how we might fight crime, and at the same time, we vilify the people that we charge with the responsibility of doing just that. We say, "Go ahead and clean it up, but for God's sake do not use a broom." These are the kind of things I would like to have answered.

For example, take the city of Toronto. We have a chairman of the board of commissioners for police for Metropolitan Toronto, a man by the name of C. O. Bick. He is a magistrate who has never heard a case. I believe he sat at one time in a court with another judge to see how it functioned. He was given the title of magistrate because the Act at that time provided that the person filling that position had to be a magistrate. So he has never sat in judgement on anybody.

But before he received the appointment, he was an optician, and ostensibly, in the view of the illustrious gentlemen here today, a civilian and a right type.

Somehow the then Attorney General, whoever he was, made the mistake of giving him the title of magistrate and Bick ceased to be a civilian and, therefore, a reliable individual. The next person on there is Judge Ian Macdonell, who is surrogate for this county.

Mr. Singer: He has retired, he is not working—

Mr. Ben: These people last, and when you think they are such worthy fellows, you wonder how they would last so long. At any rate, he did not hear many, if he heard any, criminal cases in the county of York, because it is the sort of thing that the senior county judge reserves unto himself.

Forsyth, while he was a senior county judge, took most of the criminal cases, and now Walter Martin, who is in the post of senior judge, is taking most of the criminal cases. The ones that he did take were rather minor.

At any rate, I have never heard of anybody saying the man was not honest, not a dedicated civil servant. We have also our mayor, the chairman of the Metropolitan council, Ab Campbell. I imagine because he is an elected official he is okay. Is it possible for him, being okay, and being the right type and honest and dedicated, to blow the whistle on his colleagues, for doing something nefarious behind closed doors?

His colleague from Metro council is Hugh Bruce. Everybody knows Hugh Bruce is a topnotch fellow because Hugh Bruce is a lawyer, and automatically lawyers are topnotch fellows. Besides that, he is an elected politician, so that makes him beyond reproach. Add to that the fact that he is a Liberal and—

Interjections by hon. members.

Mr. Ben: Already we have an optician; we have a farmer, because Campbell is a farmer; we have a lawyer; and now the last one who was appointed not too long ago is an implement salesman you might say, although on a large scale.

An hon. member: About \$1 million—

Mr. Ben: You might say he sold ploughs.

Interjections by hon. members.

Mr. Ben: When you get down to it, there is one professional among the whole board. At any rate, there is—I beg your pardon?

Mr. R. Haggerty (Welland South): Is a farmer not a professional?

Mr. J. B. Trotter (Parkdale): He is an agronomist.

Mr. Ben: The agronomist is professional; the farmer is an amateur.

Mr. Chairman: Gentlemen, let us return to the subject now. The member for Humber.

Mr. Ben: I do not know where people get the idea that all the board of police commissioners does is deal with behavioral problems or complaints. That is a very small part of its job. Most of the time it is doing routine work like buying uniforms, opening bids for uniforms, for police cars, for radio sets; deciding whether they should have a new tower

and how they are going to convince the council in Metro Toronto to let them put up a better radio tower. This is what takes up all their time.

I dare say that they deal with behavioral problems about as frequently as the court-martial. Ninety-nine per cent of complaints never get to the board of police commissioners, because they are handled somewhere in the echelon, the chain of command. Where people get the idea that the police are so inbred that they would tolerate bad apples in their own barrel, or crooks in their own group, is beyond my comprehension.

I had the pleasure of sitting on a Metropolitan Toronto police pension fund committee for two years. It dealt with their pension rights, but inasmuch as everyone severing his relationship with the police department was entitled to withdraw his pension credits, they had to go before our committee. I used to ask why these persons were leaving? I wanted to find out whether they were not being paid enough, or what the complaints were; and it was surprising that a good number of people were continually being dismissed by the force because they did not measure up. They were purging themselves.

The police know that they are judged, unfortunately in this day and age, not by the 99 good ones, but that one bad apple. So they purged. Mackey was probably the toughest cop in that force since we had it.

Everybody says to change it. The hon. member for Kitchener (Mr. Breithaupt) was speaking; he said he cannot recall a complaint of a police commission acting improperly. Why do not we deal with specifics? The hon. member for Lakeshore, when reading about the disturbances at Alexandra Park, mentioned that the board of police commissioners said: "Give us specific instances of the charges that you are raising, and we will carry out an investigation. We will entertain your committee." They did not get it. All I can say to the hon. gentlemen here today, who are so motivated by what is right, who so firmly believe that only we are God's chosen, and everybody else who is not an elected official cannot be trusted, let them give specific examples of boards of police commissions—

Interjection by an hon. member.

Mr. Ben: —that acted improperly, and we will demand an investigation, but today one just does not know where one should remain in society. I was reading an editorial today from the *Daily Journal-Record* published in

Oakville. They are talking about panels of judges; they want to take a rough stand against the Mafia. They wrote three editorials on this and to quote, because it shows how dangerous generalization is:

There are other fronts on which we can move. In Ontario we need a far better system of appointing and grooming crown prosecutors. Most crown attorneys are aging political has-beens who get the job as a political payoff—

Mr. Chairman: Order! Would the member tell me how this relates to vote 911?

Mr. Ben: I am trying—

Mr. Chairman: Please keep your comments relating to vote 911. We have been off on many of these other subjects dealing with crown attorneys before.

Mr. Ben: I am not dealing with crown attorneys.

Mr. Chairman: Will you please limit your comments to vote 911, Ontario Police Commission?

Mr. Ben: Mr. Chairman, I pointed out that I resented the generalization here today of everybody but us being painted black. I wanted to point out that—let anyone produce a specific instance—

Interjections by hon. members.

Mr. Ben: All right. It is your chairman who is shutting me up; now just be quiet.

Mr. Chairman: I am merely trying to bring the hon. member back on the subject.

Mr. Ben: The point is that in the city of Toronto, the majority of the crown attorneys are in their early thirties or late twenties. I asked the clerk to find out for me about the oldest crown attorney. How old is he?

Mr. A. R. Dick (Deputy Minister of Justice): Mr. McCullough, aged 60.

Mr. Ben: That is the one who just came in? How do you like that? We had to import the oldest because we did not have any around.

Mr. Chairman: We have discussed that subject *ad nauseam*. Let us come back to vote 911.

Mr. Ben: I think, Mr. Chairman, it is about time we stopped implying that the people we appoint to these high offices, and give them the security of that office by making the

appointments for life, subject to good behaviour; and to whom we give large sums of money by way of remuneration so that they will not be tempted by bribes—should continuously be vilified as being incompetent to hold that position; as being unable to exercise their office without partisanship; as being unconcerned about the welfare of the public as if they were not part of the public.

This is the kind of thing that has to be put to an end. How do we expect the youngster on the street to respect law and order when we ourselves are the greatest foes of law and order in the way we treat the officials whom we appoint?

If you are saying that I am going to get kicked out of the caucus, all I can say is, "What a hell of a state of affairs."

Interjections by hon. members.

Mr. Chairman: The member for Downsview.

Mr. Singer: Well Mr. Chairman, I must get back into this debate, with reluctance, of course.

Let me say first of all, I think the remarks made by the hon. member for Lakeshore were as pertinent and as relevant and as valid as any remarks I have heard him make in the House for a long period of time. I think what he has advanced tonight, insofar as the theory of political responsibility, makes abundant good common sense.

I cannot subscribe either to the theory of the Attorney General or that of the hon. member for Humber, that because the politicians appoint individuals to do certain kinds of jobs, those persons appointed have greater or better intelligence or less responsibility than the politicians who appoint them.

I think the whole thing that we have to talk about, Mr. Chairman, is the sense of responsibility. After all, what we are concerned about is not a government by an elite, it is a government by democratic process.

I like to believe—and I think many members of this House, perhaps most members of this House like to believe—that when we who are here make decisions, we are charged with a certain responsibility that is reviewable on regular occasions by the people who send us here, and that includes our ability to appoint police commissioners as well as our ability to do many other things.

I just do not enshrine with grandeur or with infallibility the group of people we

appoint and call police commissioners. I repeat what was said earlier in my remarks and the remarks of many others, that when you get a police commission investigating itself you get into a ludicrous position.

I have the highest regard for the various gentlemen who sit on the Metropolitan Toronto Police Commission; they are all honourable men, but that does not mean they are infallible. By reason of their present method of appointment, Mr. Chairman, we, the Legislature, have made them apparently infallible, and we are reluctant to interfere with their degree of autocracy and their degree of ability to dictate the procedures that are presently taking place.

It is all very well for the Attorney General to say to us that many councils have chosen to avoid a committee of council to run the police force because it is bad. It is inherently bad, and this is what the Attorney General said, to have elected people trusted with the ability to run the police force.

Why should we trust the Attorney General any more than we trust the alderman in municipality X? Why is the Attorney General shrouded with any greater honesty or integrity than Alderman Smith who sits in Owen Sound?

I suggest that both of them are responsible to the people, and if the people do not like Alderman X in Owen Sound or Wishart from Sault Ste. Marie, then in four years they can get rid of him.

But they cannot get rid of Crothers, who was appointed out of somebody's dream because they met him at a cocktail party. Good man as he may be, and I am not challenging his honesty or integrity, suddenly Mr. Crothers emerges on the scene and is a commissioner with the Metropolitan Toronto Police Commission, responsible to no one *ad infinitum*.

Suddenly he was found, and suddenly he was there, and suddenly he sits and determines whether or not there was ticket fixing by his policemen.

Now, I say this is wrong.

What we are talking about tonight, what Mr. Borovoy is talking about—and I have had occasion to do battle with Mr. Borovoy, he was my opponent in 1963 in the riding of Downsview, and there are many things that we disagreed with, and he ran one hell of a political campaign and I was lucky to beat him and I did—makes abundant good sense on many points.

What he is talking about is the democratic system. What the hon. member for Lakeshore

was talking about is the democratic system. We do not believe in a police state in this province.

We do not believe that Attorneys General *ad infinitum* have a judgement greater and better than all the rest of the members of the public. We do not believe that Judge Macdonell or any other judge—there is no reason to pick on Judge Macdonell, he has a long and an honourable career and he has been a good judge—that Judge Macdonell has an unlimited edict to be a police commissioner forever.

We believe that the police have to be responsible to the elected persons; they have to be responsible from time to time as the people make their decisions in votes.

Now the Attorney General says that over a period of time we have had to find our aldermen or our councillors untrustworthy. Apparently, if you follow his remarks to the logical end, they are all a bunch of manoeuvrers; they are all subject to pressures.

But Crothers is not subject to pressure because we found him at a cocktail party. Macdonell is not responsible to pressure because a Conservative Prime Minister appointed him many years ago and nobody can talk to him and he is not subject to pressure. And Bick is not subject to pressure because he once was a man who prescribed eyeglasses for people.

What kind of nonsense is that? The people who run our police forces surely have to be available to the majority decision of the voters.

Surely, Mr. Chairman, unless we want a police state, we are going to have to accept the fact that the people must decide who are going to run our police forces. I just cannot accept the periodic statements that emanate from our chiefs of police such as, "We know better as to when we should wiretap or when we should not. We should have unlimited licence to do as we wish"; and accept that as gospel.

I do not accept that. The police power has to be controlled by the civil powers and the civil powers controlled by the voters.

I just cannot accept statements by Mr. Brown, who is the head of the Metropolitan Toronto Police Association and the Ontario Provincial Police Association, saying that Turner's bill is ludicrous, laughable, ridiculous. I suggest that Mr. Brown, if he wants to challenge Mr. Turner on the thinking that lies behind this bill, should run for public office and challenge Mr. Turner in that way. But this pronouncement insofar as challenging

what is in Bill C-220 is concerned does not fit in with his position as the elected official of the bargaining agent of the police officers. I suggest to you, sir, that as soon as we abdicate in the manner that you suggest, or in the manner that the member for Humber suggests, the democratic right of the people to control our police arm, at that point we invite dictatorship to take over our society. I for one am not prepared to subscribe to that.

Mr. Chairman: The member for Parkdale.

Mr. Trotter: Mr. Chairman, I support the proposition that there should be civilian review boards insofar as we examine or try to pass judgement on what police commissions do. It is not that we question the honesty of any of the officials who are on the commission at the present time, but I think the reason why we need more civilians participating in such roles of government—and actually they are an arm of government—is simply because police forces have become so large.

In essence a police force is a military force, or at least a semi-military force, by the very way it must organize and carry on its routine activities. And it is unfortunate in this day and age that the police are no longer close to the people as they should be. We have to face this fact simply because society has become so urbanized; it has become so large that the policeman on the beat has disappeared. There is not the policeman, say, taking the children across the street as he used to do. I know they are still in existence in some cases, but by and large you do not know the policeman who is patrolling your neighbourhood and as a result, even from the youngest child growing up, the public as a whole do not have the close association with the police establishment.

What we must bear in mind is that after all the police organization is an establishment and whether or not Mr. Bick was an optometrist or from any other occupation, once he becomes a police commissioner he is part of the police establishment. Basically, first of all I think it is a necessity that he be such, but at the same time there should be some form of check or balance against any semi-military or military establishment in our society. So I feel the Attorney General is wrong when he does not encourage civilian review boards. And when I say civilian review board I do not just mean any individual, simply because he has had no connection with the police or with the administration of justice, but I think there should be individuals on that board who

have had experience in sociology as the member for Grey-Bruce mentioned and who have some experience with the public and the administration of government to some extent, either in our universities or in the business world.

The thing that impressed me of the necessity of some type of review board was the ticket-fixing investigation that we had in the city of Toronto. It would seem to me that if I had been on that police commission examining what were in effect my own employees, I would be in rather an odious position. For example, you do not want to get in wrong with your own men and at the same time you are trying to do an honest job. But if a police force is any good there is bound to be what we call an *esprit de corps*. I do not criticize that.

I feel that if you are going to have a good force, you are going to have an *esprit de corps*, but there is a tendency or a bias to stick together to protect your own people. I think I would have tendency to have that bias if I were trying to organize a force; I would lean over backward to protect my men simply because I would know they were incessantly taking insults that they need not take, and the vast majority of men in our police forces have my sympathy. But that bias is apt to blind even the most dedicated police commissioner to the fact that some of his policemen could be in the wrong and—let us face it—there are men who, when they do put on a uniform, have a tendency to think they are in a world by themselves.

The member for Humber mentioned, "What difference does it make if they do put on a uniform?" I think there is an element in our society that once they do put on a uniform they think they are God Almighty. There is no question that the police, in recruiting men, try to weed these types out. I am quite certain they attempt it, but they do not succeed 100 per cent. No organization succeeds 100 per cent.

I feel that in our society today, simply because it has become so large, and simply because people are estranged from the police establishment, we need some further protection in order to encourage a more lay participation.

We hear this subject time and time again. It came up in the law society bill, the importance of having lay participation, and this is a fact and a necessity which we must encourage. That is why I support the jury system because it is one of the few contacts we have in getting the average citizen participating in justice.

We need this even more insofar as the administration of justice is concerned through the police; in the fact that many people fear the policeman. It is surprising the number of new Canadians in the city of Toronto and the province of Ontario who really have no reason to fear the police, but because of their background and where they have come from they simply do. Because a man wears a uniform, simply because he may be carrying a badge, even a plain-clothes policeman, they are afraid to talk to him.

This is something we in our society have to face up to. The public should be educated and the police as well; educated that there must be a better rapport between the police establishment and the public as a whole.

I would urge the Attorney General to reconsider his opinions on review boards in the hope that it would further the administration of justice and I think put the police and the commissioners in a better light than they are today. I think, on the whole, they are not in nearly as good a light as they should be.

They are, perhaps, not appreciated as they should be by the public as a whole, and it may be because there are a few bad apples or because of the attitude of some of the police themselves.

Again, I emphasize, there is a minority. But let us face the fact that anyone who is of a military disposition or who has had military training—and this includes professional soldiers—has a tendency to lack patience with the average person. Not perhaps that they have a disrespect of law and order, but they certainly lack patience with the average person.

This is my opinion of them, and there is no question, as well, that the public feel that whether a man is a judge, a county court judge, a provincial judge or a police commissioner, he is part of the establishment. Like a county court judge who sees the police coming into his court on numerous occasions and certainly the provincial judge is well acquainted with most of the police in his area, and he may take a certain dislike to a policeman.

By and large there is an *esprit de corps* and my own feeling, with the limited defence work I have done with the police in the old days, is that the magistrate, and now the provincial judge tends about 90 per cent of the time at least, to believe the police. The public feel this and I think they are justified in feeling this. This is why we need the control of our administration of justice, not only in theory but in practice, in the hands of

the civilian people who can take part in the administration of justice the same way as we believe that the military are subservient to the civilian control.

I think they should hold court with the police establishment. This is why I support what the member for Grey-Bruce, the member for Downsview and the member for Lakeshore have had to say on this subject.

Mr. Chairman: The member for Prince Edward-Lennox.

Mr. N. Whitney (Prince Edward-Lennox): Mr. Chairman, I would like to refer briefly to the remarks that have just been made by the hon. member for Humber. I do not believe he was in the committee when the minister explained that the present policy throughout Ontario is not encouraging the appointment of the provincial judge to these commissions but the general policy is to have the county court judge, the mayor of the municipality and an appointee of the Ontario government.

In my own area I found this to be entirely satisfactory, although our county court judges have been made judges by the federal government, by Liberal persuasion—nevertheless, they have used the utmost fairness in everything that they have done. As far as the mayor of the municipality is concerned, certainly he has to face election and if his work is not satisfactory and if they feel that he is showing particular favouritism to any individuals, certainly the electorate can remove him at any time they like. As for the appointee of the Ontario government, if he did not do his job properly we would doggone soon hear of it, and I have heard no complaints whatsoever from our police commissions, so I would say that does not hold true too well.

Another consideration: I do not presume to know the situation in Metropolitan Toronto, but I would suggest that Metropolitan Toronto is one of the few cities of its size on the North American continent in which people can go out in the evening at their leisure and go where they like, and I would say that a lot of encouragement should be given to those people and what they are doing to see that that situation is the same. I think we should be very grateful for that situation.

I go a step further and say that all police commissions have come under criticism since I have been in the Legislature. I have heard it suggested that there should be no appointed commissions whatsoever; commissions should be entirely composed of the members of the Legislature. Yet the other day the Leader of

the Opposition (Mr. Nixon) said that all government members on commissions should be fired, so I do not know just where the people stand over there.

Mr. Chairman: The member for Welland South.

Mr. Haggerty: Thank you, Mr. Chairman. I have listened with interest to the views expressed by the member for Grey-Bruce and the member for Lakeshore and the comments of the minister in reply that it is the policy of the Attorney General in moving away from the appointment of police commissions that local persons are appointed and that it is an impartial body.

I would have to disagree with that comment, when I assess the appointment of the new Niagara regional police commission, because those who have been appointed by the minister are high-ranking Tory members. I say this with all sincerity; this is what has taken place in this area. The member of the police commission was a defeated candidate and yet the minister states that it is an impartial body. It is sheer nonsense. It is a known fact in certain cases that come before some of the courts that if the judge happens to have a friend involved, the judge will not be in the court that day and the position will then be handled by another judge, and you can rest assured in that particular case the charges will be reduced.

The member for Downsview touched on the subject that the members of the commission should be elected, which is a democratic process, and I sincerely agree that this is the only sensible way that can really have true justice in the province of Ontario. You cannot have an existing police commission that is judge and jury, and this is surely what we have today. Sometimes when one watches the headlines in the newspapers on some of the court proceedings that take place, particularly in my local area, one can almost sense that these certain cases are handled behind doors—let us put it this way: they are never settled in the courts. The decision is made in a closed room. I had some particular things in mind but I am not going to mention them.

Hon. Mr. Wishart: What kind of decisions?

Mr. Haggerty: Decisions on just how we will play the game in the courts, how that charge is going to be made and how it is going to be handled, and what we can reduce that to.

Hon. Mr. Wishart: The police commission does not deal with that.

Mr. Haggerty: It does not?

Hon. Mr. Wishart: No.

Mr. Haggerty: Are you sure?

Hon. Mr. Wishart: Yes, the police handle charges.

Mr. Haggerty: They do, do they?

Hon. Mr. Wishart: Yes. You tell me of a police commission that gets into that act.

Mr. Haggerty: I can tell you.

Hon. Mr. Wishart: All right, tell me.

Mr. Haggerty: Sure, the minute I open my mouth, perhaps the policeman will be out the door.

Hon. Mr. Wishart: I do not believe it. I just do not believe it.

Mr. Haggerty: I would not say these things, Mr. Minister, if they had not been brought to my attention.

Hon. Mr. Wishart: The police commission does not get into that area.

Mr. Haggerty: These are some of the things that do exist. The impression is there, let us put it that way.

Hon. Mr. Wishart: The impression.

Mr. Haggerty: This is right. I support the member for Downsview for civilian review. I think it is most important that we do have the human touch at these police commissions, somebody to represent the citizens. Too often the police commissions do not. I sat on local council in the township of Bertie, and often watched the police budget come in. It is taboo to question that budget. Its members have nothing to say on that matter. But I can tell you this, Mr. Minister, you are aware of this problem. It exists in the area of Crystal Beach.

I was a member of that council, along with the reeve, Bruce Finch, at that time. On different occasions we would have to go out there at 2, 3, or 4 o'clock in the morning to try to get police to act. But you could not get hold of that police commission, and yet they are paid damn well for doing that job. But when the citizens had to get some action, whom did they come to? To the elected official. That is where the action lies, and that is where the police commission should be handled, by the elected official.

You say that perhaps we have not the ability. If we did not have the ability, the people would never elect us.

Hon. Mr. Wishart: If I can just interject there, my recollection of Crystal Beach is that the problem was brought to the Attorney General. We used to put the Ontario Provincial Police in there in very substantial numbers without any cost to the municipality of Crystal Beach. That is the way it is largely policed in the summertime when you have problems with the influx of visitors from other areas. Is that not a fact?

Mr. Haggerty: This is Crystal Beach. I mentioned Crystal Beach and Bertie township. I said I was a member of Bertie township council.

Hon. Mr. Wishart: Crystal Beach.

Mr. Haggerty: This is an area that lies west of and surrounds the area of Crystal Beach.

Hon. Mr. Wishart: That holds for Wasaga Beach, Grand Bend and many other areas of the same nature.

Mr. Haggerty: You might be quite right in this, that you can have all the police enforcement officers in that vicinity, but that does not say that you are getting the proper police—

Hon. Mr. Wishart: I do not expect the police commission to be awake and sitting in council at 4 o'clock in the morning.

Mr. Haggerty: Do you expect an elected official to try to enforce law, then?

Hon. Mr. Wishart: No, I certainly do not.

Mr. Haggerty: No, but this is what happens in this particular area. I think that this is the point that the members are trying to raise here tonight, that you should have a review committee there.

Hon. Mr. Wishart: Where is your mayor?

Mr. Haggerty: He is only one. He does not control the police commission.

Hon. Mr. Wishart: He is your elected representative.

Mr. Haggerty: His only purpose is to come back and say, "This is what we want in the police budget this year." That is his purpose and nothing else. As far as the operation of the police commission goes, it is handled by the judge, or the magistrate.

Interjection by an hon. member.

Mr. Haggerty: Yes, but the point is, how do you get the judges or the magistrates to see that some of these problems are solved? You cannot reach them. You are out of touch. They will not even answer to council.

Mr. Ben: What complaints did the mayor bring the council?

Mr. Haggerty: The mayor says he brings complaints to the attention of the commission but they will not act on it. In one sense, they are impartial. Do you know what I mean? They do not want to get involved in that issue there.

Mr. Ben: What was the incident?

Hon. Mr. Wishart: What was the problem?

Mr. Haggerty: In policing, in trying to get police action.

Hon. Mr. Wishart: You did not have enough police.

Mr. Haggerty: Oh, we had enough police for Pete's sake—

Hon. Mr. Wishart: No, you did not, because you asked for provincial police.

Mr. Haggerty: This is right—

Hon. Mr. Wishart: And you got them. Exactly.

Mr. Haggerty: This was in Crystal Beach. Not too long ago, I think a couple of weeks ago, you had I think, 35 additional police.

Hon. Mr. Wishart: The police commission cannot solve that problem in a small municipality which does not have the funds to hire a large police force for a particular emergency situation which exists over a period of time.

You appeal to the Attorney General, you appeal to the Ontario Police Commission and action is taken. You place at the disposal of that community, Ontario Provincial Police, in considerable number, without cost.

Mr. Haggerty: Would you say 17 policemen for a 9,000 population is sufficient?

Hon. Mr. Wishart: I do not know. Is that your local force?

Mr. Haggerty: That is the local force.

Hon. Mr. Wishart: Seventeen for 9,000; yes, that is a very good representation.

Mr. Haggerty: Of course, it increases during the summertime, but that is when the problem—

Hon. Mr. Wishart: In the summertime we put the Ontario Provincial Police in.

Mr. Haggerty: Just in Crystal Beach?

Hon. Mr. Wishart: In many places.

Mr. Haggerty: I know differently. We have asked for assistance.

Hon. Mr. Wishart: Well, you do not know different from that, because I can name you a half dozen places around this province where this is done.

Mr. Haggerty: Yes, but I am talking about a particular one, Bertie township—

Hon. Mr. Wishart: Perhaps not in six places in Bertie township.

Mr. Haggerty: These are some of the problems.

In the matter of getting back to the regional police force, one questions this move here. I understand a comment by one of the mayors in the area is that the cost at the present time is just prohibitive.

Hon. Mr. Wishart: This is right.

Mr. Haggerty: And he has asked for, I think, a delay of some five years it is, to implement it in gradual stages. I know this is going to be quite a burden on the taxpayers in that municipality.

When one looks at the purpose of the police department, years ago you could get a policeman to go out and enforce local by-laws, but that is a thing of the past.

What do they do today? They go out and enforce highway traffic regulations, the Criminal Code, which is in one sense a federal matter. Is it not time that the municipalities should be subsidized to pay for this police protection?

Hon. Mr. Wishart: Well Mr. Chairman, if I may interject. We are getting off the composition of police commissions.

Mr. Chairman: A lot of this discussion has gone off it.

Hon. Mr. Wishart: I cannot see, if I may say so, Mr. Chairman, how the appointment of three, even three elected officials or three committees of council, would solve that problem of the cost of special emergency situations. That is not going to change the problem that one has to deal with.

Mr. Haggerty: Well, this is efficiency of police departments, is it not?

Mr. Chairman: Could I ask the hon. member to restrict his comments to those of police supervision? Supervision of the police forces is this vote 911, and under that the basic discussion of police commissions.

Now if he has anything further on the matter of supervision and commissions, then I welcome him to carry on. Otherwise I think we should turn the meeting over to the next speaker in line.

Mr. Haggerty: We are actually dealing with police matters are we not?

Mr. Chairman: Yes, but we are dealing with the supervisory sources. We have another vote altogether dealing with the OPP and police forces.

Mr. Haggerty: If you have not sufficient police in an area then it is due to the lack of financial assistance. This is what I am trying to convey to you.

Mr. Chairman: If you are dealing with the supervisory aspect of the police forces, then, yes the member is in order.

Mr. Singer: It is absolutely in order.

Mr. Haggerty: This is the point that I am trying to get through, that if the province set up regional police forces—particularly you have the one in Muskoka, for which, perhaps, they will assume the largest percentage of the cost—in other areas you do not pick up this extra cost. This is my point. Is it the position of the Attorney General at this time to say, "We are setting up regional government, and the financial assistance is going to be this 50 cents per capita," which is not going to do us much good?

When one looks at the cost, the increase in the regional municipality of Niagara, they say it is prohibitive. Yet the Attorney General is ready to say they are going to have to accept it on this basis. What the advantages are, nobody has come up with yet. Perhaps the minister can give me the advantages of a larger police force.

Mr. Chairman: Has the member completed his comments?

Mr. Haggerty: The other matter goes back to Crystal Beach. I find one of the problems is that in that area right now, in the town of Fort Erie, I believe, the police magistrates' court should be open 24 hours a day. The

reason I bring this to the attention of the minister is that in many cases where there are violations of The Highway Traffic Act, or other violations of the law, these persons are given a written-out card or ticket or something, and told, "Come back into the police court on such-and-such a day." But they disappear into the United States and there is nothing more done. We are losing revenue by this and yet it is creating a problem.

Mr. Chairman: Once again, I do not like to restrict the member but that was dealt with under vote 904, under courts administration. The hon. member is out of order in discussing that aspect of matters now under vote 911.

Mr. Haggerty: These are suggestions. I think the minister knows what I am trying to convey, and I think he should give this consideration.

Hon. Mr. Wishart: Mr. Chairman, I know you have allowed the member to make this point; perhaps you might allow me to point out that in the discussion on vote 904, there was a great deal of sentiment in favour of the summons procedure—not locking these people up, but keeping them around. I do not think it is quite feasible to maintain a court 24-hours-a-day. We have other officials there to grant bail and to allow them to go on recognizance. The sentiment that was expressed here and generally, I think, was that it was not a good feature of the administration of justice to hold people, but to serve the summons.

Mr. Haggerty: In the county of Welland, with the problem we had there last year, the jails just would not hold them. They had to give them bail and they went back to the United States and we never saw them again.

Hon. Mr. Wishart: We will have to build a bigger jail.

Mr. Singer: The courts will be able to deal with them summarily. It is a good word that, "summarily."

Mr. Chairman: Has the hon. member for Welland South anything further?

Mr. Haggerty: I have other things to say, but if I am going to be ruled out of order—

Mr. Chairman: On the subject of 911, of course, you are most welcome. Anything further?

Mr. Haggerty: No, I would like to—

Mr. Chairman: Then the hon. member for Brantford.

Mr. M. Makarchuk (Brantford): Mr. Chairman, I have a few points to bring up on this. I think the first points are comments on some of the things that were discussed earlier this evening. Firstly, the idea that the police—and there is a certain opposition to the idea—that the police should be a military force. I agree wholeheartedly with the concept. A military force is designed to kill people. Basically, this is the emphasis of the military; you go out to kill as many of the enemy as possible. I am speaking from experience; I am sure there are many here who have been in the service—

Mr. Sargent: You have got to be kidding!

Mr. Makarchuk: —would know the same thing, and certainly this is not—

Mr. Trotter: I did not say that.

Mr. Makarchuk: No, I did not say that the member for Parkdale said this. He was against the idea and I certainly agree with that, that this is not what our police forces should be. In a sense, their function is more of a social nature, almost of reform as the social reformer of the society; almost the role politicians should play, of being the social reformers in society.

The other point on this same part that I am concerned about is the fact that there is very little psychological analysis done of the people who are signed up in the police forces. I have reasonable information to indicate there are people on the police force who are psychopaths, or have various other personality disorders or personality problems. They create problems, not only for the police department; but what they do reflects eventually on the police department and this, in a sense, causes some real problems. I feel there should be some testing, shall we say, some very basic, not necessarily very deep or very involved psychological testing, something that is done by just about any firm today that hires anybody. Any individual who is hired on in some position of some responsibility goes through a series of psychological tests, and I would recommend that the police undergo the same testing.

I feel that the Ontario Police Commission can certainly, in consultation with some psychology departments at universities, wherever it is, come up with a set test that is not going to be perfect or foolproof, but surely will help weed out some of the problems, or some of the problem policemen who are in the various Ontario police forces.

I think this is one aspect that the Attorney General should seriously consider. I think he should try to implement this thing. It is not an expensive situation. The tests can be conducted by student psychologists. They are not that expensive, and even if they were expensive, I think that in the long run the financial benefits would far outweigh the cost of carrying out these tests.

The other thing that I was not going to consider but it came to my mind with the discussion of the police commissioners, relates to the discussions on the name of Crothers. Crothers' name was mentioned as an appointment to the Metropolitan Toronto Police Commission, and it reminds me of the statement that Mr. Crothers made following the incident in front of the American consulate. I think it was at the end of April, or sometime when the big confrontation developed at that time.

The gentleman came up and said this was, shall we say, a conspiracy in part, and this was why these people were all guided from some distant place—a rather foreign element, and so on.

I am not sure exactly what he meant, but the implication was that this was not anything spontaneous, that it was not any personal volition, that the whole thing was a conspiracy by some foreign power, and so on.

When I listened to that particular statement, I wondered just exactly where we dug up that particular yo-yo, because that is the kind of a statement—

Mr. Sargent: He might be right though.

Mr. Makarchuk: Is that the kind of statement on the part of somebody that you appoint to a police commission who should have an understanding of the forces—

Hon. Mr. Wishart: Whose statement was this?

Mr. Makarchuk: This was Mr. Crother's statement that was carried in the Toronto press, and I think the Toronto *Daily Star* carried that on the front page.

When you appoint an individual to the board of police commissioners, surely you hope that he would have an understanding of some of the dynamics of society; the stresses and the strains of society; the various diverse elements in society; the various feelings; the various emotions and so on that eventually can, and always do, and should at times, manifest themselves in those kinds of confrontations or demonstrations, whether it be

on a picket line, the American embassy, or Queen's Park, or anywhere else.

But when a member of the police commission comes out and says that these manifestations or these demonstrations are subversive—the Enoch Powell syndrome, let us put it that way—that this is, shall we say, the rock that is going to upset our society. I suggest, Mr. Chairman, that surely we can try to be a bit more discerning in whom we select to sit on the board of our police commissions. Surely we can expect this individual to have some understanding as to what is happening in the 20th century and what is happening in our society right now? Let us get away from this Enoch Powell garbage.

The other point that I want to bring up is of course, the Brantford Police Commission. And again, in a sense, it may reflect the efficiency of the Ontario Police Commission, because this thing was brought up a year ago and a year later we are still in a similar situation. I have the feeling, Mr. Chairman, that about six months hence we will still be on the same problem, which does not seem to be resolved. Surely it is your responsibility to resolve this particular condition?

In the first place, there was an Ontario police investigation of the conditions there. There was a report; there was a charge laid against the constables; there was a court case. The court case against the two constables was dismissed. Consequently, following that, there have been other developments.

Unfortunately I feel that it is *sub judice* right now; I cannot discuss them in any great depth, I presume, because of the court. I am not sure of the exact legal conditions under which I can operate in this case.

But surely, Mr. Chairman, there is one case or cases, of harassment, a situation that was brought to the attention of the Ontario Police Commission and the Attorney General and there was not even an answer, or a consideration, or any indication as to what the Attorney General is going to do in a case like that.

I feel you are being remiss in this particular case because an individual went before a court, his case was dismissed and when he returned to duty, he felt he was being harassed. The matter was brought to the Ontario Police Commission through the Attorney General. I brought it up and the individual brought it up personally. Nothing was done on this case. Consequently, eventually, it erupted through various pressures.

I am not sure why the individual reacted this way, but I can certainly understand when

he is emotionally involved in this thing personally and there is nothing being done, he may react in a certain way, or he may not. I do not know. But the point is that this was your responsibility to look after these things or at least intervene to try to smooth things out.

I will give credit to the Attorney General. I feel that he appointed a new police commissioner in this case. I have a great deal of confidence in him and I think that eventually—and hopefully—with this man that we will have something straightened out. But somehow I feel that if action was taken by the Attorney General before it went to the extent it did go, we would not have had a current court case. Furthermore, I have a feeling that the current court case is not going to resolve anything.

In addition to that, there is another court case coming up involving the chief of police at Brantford, the deputy chief and other officers, including an official from the Attorney General's department. This is costing various people a lot of money, you know. We are not going to argue the moral aspects of this thing in this case; perhaps we cannot appeal to you on that aspect. We perhaps cannot appeal to you on the concern or the responsibility; we will appeal to you in terms of dollars and cents. And even in that aspect, it is going to cost you a heck of a lot more than it would have if you had moved in there earlier. Somehow I feel that somewhere in this case you have fallen down on the job and you have fallen down very sadly.

Mr. Chairman: Before I call on the next speaker, I have an announcement of grave concern to all of us here this evening, concerning the elections. It would appear that there has been a Tory sweep in England. The Liberal Party is practically wiped out.

Mr. Singer: Donald was wrong again.

Mr. Chairman: The next speaker is the hon. Liberal member for Grey-Bruce.

Interjections by hon. members.

Mr. Singer: That just shows that an entrenched government can be defeated.

Interjections by hon. members.

An hon. member: That is cold comfort indeed to a party that is virtually wiped out.

Interjections by hon. members.

Mr. Chairman: The member for Grey-Bruce has the floor.

Mr. Sargent: Very briefly, Mr. Chairman, I would like to say to the minister, in summary, as far as I am concerned the only recourse that a citizen or an individual has when there has been an injustice with the courts is publicity or a Newsmen or Action Line or Help Wanted—that type of approach to it. A case in point: in the *Hamilton Spectator*, the newsman was doing a job on the Mafia; or in the *Oakville Daily Journal-Record*, John Strimas. But about the only recourse that a citizen has is publicity insofar as an injustice at the hands of the courts is concerned.

I would ask you to tell this committee why a court of review could not be set up and receive details of malfunctions on every aspect of law in this province—to make, we will say, a half-yearly report. A body composed of, say—very important that—an investigator newsman. We have an example of very able people in that many people who help run our government now are ex-newspapermen and they have the nose for injustice. They should be part of this board. There should be sociologist lawyers there.

This body could make semi-annual reports to the Legislature, to each county of the province, of malfunctions, and every aspect of the courts. I say to you very respectfully, Mr. Minister, that these reports would be of great help to the next Attorney General in this province. I think that you should give it very serious consideration.

Mr. Chairman: And even for the present one for the next considerable number of years.

Mr. Sargent: Well then the next Attorney General, or Attorneys General yet to come.

Interjections by hon. members.

Mr. Sargent: I would like to finalize that report. Now we are getting on to this vote here, the first thing I would like to ask—am I in order to talk about money here now, sir?

Mr. Chairman: Generally in dealing with estimates that subject matter is in order; if you are dealing with the police commission or with police training.

Mr. Sargent: How many in this vote of \$729,000 on salaries under supervision of police forces. No. 1-911, \$729,000.

An hon. member: It is down from last year.

Mr. Sargent: How many people are involved in that—that is salaried?

Hon. Mr. Wishart: \$729,000: that includes the Ontario Police Commission, which is \$225,000, and the police training, which is the whole spectrum of police training—

Mr. Sargent: That is what I want to get. Is this an ongoing process, this training?

Hon. Mr. Wishart: We have a police college—

Mr. Sargent: Is the police college an ongoing thing?

Hon. Mr. Wishart: Oh yes, increasing in numbers.

Mr. Sargent: How many of these are first-year men, first-year policemen, or are they return?

Hon. Mr. Wishart: This is ongoing, of course, and it does not take in just the first-year men. It has men of all ranks and of all stages of experience and men go back for refresher courses and for new courses. We have a policy that we encourage municipalities in recruiting policemen to try to get them to take a course at the Ontario Police College as a part of their training, which is part of our attempt to upgrade the standard education.

Mr. Sargent: How many men a year are trained there?

Hon. Mr. Wishart: I think I have those figures. The total number of personnel, first of all in answer to the first part of your question on the police commission and police college staff: 21 on the commission, 61 at the police college; 82—

An hon. member: Training officers?

Hon. Mr. Wishart: Yes. Commission and college.

Mr. Sargent: And how many men have you trained a year?

Hon. Mr. Wishart: 1,100 and—just a moment I have it here—in 1966, we trained at the college 1,695 police personnel; in 1967 it was 2,027; in 1968 it was 2,574; and in 1969 it was 2,604. So they are increasing each year. I have here the information on courses and types of training given and so on.

Mr. Sargent: Thank you, Mr. Minister. Now every time for the last four or five years, when I have talked to you in the Legislature about the extent of the police using electronic listening devices, you looked out the window

and you gave me a very evasive answer. You do not want to talk about it.

Hon. Mr. Wishart: No, no. I talk about it all the time.

Mr. Sargent: No, you do not, Mr. Minister. You have given me a real snow job on that. I think it is so important to—

An hon. member: You just do not understand him. That is all.

Mr. Sargent: I do not understand him. That is all.

Hon. Mr. Wishart: That is understandable.

Mr. Sargent: This gobbledygook we get all the time.

Hon. Mr. Wishart: What is your question?

Mr. Sargent: My question is to what extent are the police, ordinary policemen, taught to use electronic listening devices?

Hon. Mr. Wishart: As far as ordinary policemen, I would say none.

Mr. Sargent: None. Right!

Hon. Mr. Wishart: They are not taught that technique. Ordinary policemen, are not entrusted with that.

Mr. Sargent: Who are taught?

Hon. Mr. Wishart: I do not know who is taught. I would say those that are entrusted with it. I frankly have admitted, I think a considerable time ago, that electronic eavesdropping, wiretapping, is used by police investigating personnel in their efforts to track down and intercept criminal activities and criminals.

Mr. Sargent: Every police force in Ontario?

Hon. Mr. Wishart: No.

Mr. Sargent: In what areas is it not?

Hon. Mr. Wishart: Many of the smaller forces are just not equipped for that and do not use it. But the larger urban forces, the Ontario Provincial Police, are. I cannot speak for the RCMP; they do not come under my jurisdiction.

Mr. Sargent: Who controls the fact that a setup will be used to listen in? Who controls that? The local chief of police?

Hon. Mr. Wishart: I would say generally the senior officers coming right up to the chief of that force, the chief constable.

Mr. Sargent: So in every major force in major cities, they would have electronic listening devices?

Hon. Mr. Wishart: I would not be sure of every force and I do not know—

Mr. Sargent: They could have.

Hon. Mr. Wishart: I do not know what you mean by major, but I would say that in a good number of the senior or larger police forces, electronic eavesdropping devices are used.

Mr. Sargent: Is it an offence for a citizen to use electronic listening devices?

Hon. Mr. Wishart: Not today under our law.

Mr. Sargent: But it is okay for a police officer to use listening devices?

Hon. Mr. Wishart: It is okay for anybody.

Mr. Sargent: It is okay for anybody?

Hon. Mr. Wishart: Under the law. I should qualify that. The only law I think you will find, I believe the only Act is The Bell Telephone Act. It is an offence under that Act to intercept a message on its way to its destination. That does not mean you cannot listen in on party lines.

Mr. Singer: The Attorney General is not quite right. On a point of order, there is The Telephone Act, which is a federal Act. There is The Ontario Telephone Act and there is the common law too. If the Attorney General wanted to look back on some of the *Hansard* speeches, there is law if you want to enforce it.

Hon. Mr. Wishart: I said the only Act is The Telephone Act.

Mr. Singer: Federal and provincial; two Acts!

Hon. Mr. Wishart: All right.

Mr. Sargent: Mr. Minister, do you know whether or not your office is bugged?

Hon. Mr. Wishart: No, I do not, but I would not care.

Mr. Sargent: No, I am not trying to be facetious, sir.

Hon. Mr. Wishart: As far as I am concerned, what I say there—

Mr. Sargent: I do not think you should make that statement. The reason I ask that—

Interjections by hon. members.

Mr. Chairman: Order gentlemen!

Mr. Sargent: It is very important that I as a citizen know—have you had it debugged?

Hon. Mr. Wishart: We had it examined by competent personnel—

Mr. Singer: If you do not care, why did you bother?

Hon. Mr. Wishart: —to make sure it was not. I merely meant that as far as my personal conduct is concerned.

Mr. Sargent: I know it is a very inexpensive, simple operation; you can debug an office inside five minutes. You can check it very simply. And you can bug it in five minutes too.

Hon. Mr. Wishart: Yes, that is right.

Mr. Sargent: But I think it is important that I as a citizen know that your office is not being bugged, and I think you should have a continuing system of debugging. In other words, I would like to be guaranteed that my office is not bugged—not that I think it is important. I think the office of the leader of the New Democratic Party and the Leader of the Opposition's office should be debugged; I think there should be a guarantee that they are being debugged.

Hon. Mr. Wishart: They could be, as you use the expression, bugged again in five minutes.

Mr. Sargent: I know, but a periodic check should be made. If the police forces of Ontario have the right to do this, I think we have the right to security in this Legislature. It is very important that we have that.

Hon. Mr. Wishart: Right. I agree with that.

Mr. Sargent: I would like you to undertake to see this is done.

Hon. Mr. Wishart: Mr. Speaker has control of this building.

Mr. Sargent: He does not do a very good job.

Mr. P. J. Yakabuski (Renfrew South): Oh, come now.

Mr. Sargent: When are we going to get some new elevators? The minister is going to look into the debugging business, is he?

Hon. Mr. Wishart: Well, as I say, I have had my office checked occasionally.

Mr. Sargent: You are paying out \$50,000 for the policing of the Rainbow Bridge in Niagara Falls. Is there a recovery on this? In other words, is there going to be a transfer to the Niagara Parks Commission?

Hon. Mr. Wishart: No, it appears in our estimates that we pay the city of Niagara Falls \$45,000 and they do the policing. We give them a grant.

Mr. Sargent: Thank you very much.

Hon. Mr. Wishart: I wish they would do it gratuitously.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I think the member for Grey-Bruce has raised a very fascinating point about bugging, and I really am shocked at the Attorney General's cavalier attitude. There is no law; anybody can do it—

Hon. Mr. Wishart: That is right.

Mr. Singer: He apparently expresses no concern—

Hon. Mr. Wishart: I was not asked to express concern.

Mr. Singer: Well, I am asking you now to express concern, because you certainly had an opportunity leading from the questions posed and the statements made by the hon. member for Grey-Bruce to express concern. You do not know how many Ontario forces do telephone bugging or electronic bugging. You are not interested, you have no statistics and obviously there is no control.

Hon. Mr. Wishart: The hon. member—

Mr. Singer: Surely to goodness the Attorney General of the province of Ontario, which is supposed to be a democratic system, should have some concern about the infringement of privacy by police forces and by others. Now under the Criminal Code we cannot control the actual private individuals—

Hon. Mr. Wishart: Just settle down.

Mr. Singer: I wish the Attorney General would be quiet until I am finished and then he can reply.

Hon. Mr. Wishart: Why do you not ask me if I have concern? And I will tell you.

Mr. Singer: Just wait. I gather from your answers, which were certainly lacking very substantially, to the hon. member for Grey-Bruce, who posed some very important questions—

Hon. Mr. Wishart: He asked facts.

Mr. Singer:—and your cavalier dismissal of his questions showed that you have no concern. Now, if you have a concern and what I am saying is wrong, we will hear from you later.

The fact is that the Attorney General has no statistics in relation to the use of bugging by police forces, he has no information about it and he did not say, as would follow logically if he had concern on the points raised by the hon. member for Grey-Bruce, that he was worried about it.

Now, I think this is wrong. The same question was raised at the time of the investigation into the conduct of Magistrates Bannon and Gardhouse, and the Attorney General will recall, I am sure, the speeches that were made by myself and by others into the conduct of the investigations by the head of security of the Metropolitan Toronto police force, Inspector Soplett.

I sat during those hearings and Inspector Soplett—with great respect, for I am sure he is a fine police officer—impressed me as a member of a police state police force.

He arrived with a canvas bag and walked up and gave evidence in the witness stand and said, "I am responsible to no one except the chief. When I decide I want to bug a private communication, I do it, I do it on my own, I consult no one."

We raised a fuss about that. There has been no indication to date, absolutely none, from our chief law enforcement officer, that he has taken any steps at all to bring those matters under control.

Now I grant you that to bring them under complete control there have to be amendments to the Criminal Code, but the Attorney General of the province of Ontario has within his control the ability to direct police forces in this province in this regard.

There are controls that are obvious, they have been exercised in American jurisdictions. There are new controls of this type in the United States, and they are being strictly enforced.

It is very fascinating to watch. President Johnson said there shall be no bugging, no electronic listening except when national security is at stake. Then that was found to

be too strict. Then they moved from that point. The first reaction in a democratic country like the United States, was to say, "except when the security of the country is at stake." Then the move was from there to, "Well, maybe there are serious crimes where only electronic listening devices can be of help in policing."

All right, so we move now in the United States to the point where police officers have to go to a judge, have to get permission, which is limited in time and limited to a specific investigation; then there have to be reports and then there are questions about admissibility of that kind of evidence.

Here, Mr. Chairman, the Attorney General throws up his hands and says, "I do not really know, I do not really care."

Hon. Mr. Wishart: I did not say that.

Mr. Singer: "I do not really care." That is in fact what you said to my colleague, the member for Grey-Bruce. "I do not really care," because you exercise no control at all.

Interjections by hon. members.

Mr. Singer: You are exercising no control at all.

Interjections by hon. members.

Mr. Chairman: Order!

Hon. Mr. Wishart: On a point of order, Mr. Chairman, the only thing I was asked by the member for Grey-Bruce was, do police forces do electronic eavesdropping—bugging, as he calls it.

Mr. Singer: Yes.

Hon. Mr. Wishart: And I answered yes. I could not tell him exactly how many.

Mr. Singer: Or any conditions of control.

Hon. Mr. Wishart: He did not ask that. He asked me who authorized it.

Mr. Singer: Yes, and you said the heads of the police force.

Hon. Mr. Wishart: Right, I answered that. Now the hon. member takes off on the premise that I did not express any concern, that I had no concern, and that I—

Mr. Sargent: Mr. Chairman, on a point of order.

Hon. Mr. Wishart: No, my point of order. Let my point of order be made. He shouts so

loud when I try to interject that I cannot interject. So he goes on on that premise, which is completely false, Mr. Chairman.

Mr. Sargent: Mr. Chairman, on a point of order.

Mr. Chairman: There is no talking on a point of order by the minister.

Hon. Mr. Wishart: If I had an opportunity I could of course regale him and inform him of my great concern and of the things I have done, but he goes on and on on that false premise, and then when he reaches the point—

Mr. Singer: This is a reply, this is not a point of order.

Hon. Mr. Wishart: Then when he reaches the point that I said I had—

Mr. Chairman: It is a point of order.

Mr. Singer: Not in my opinion.

Hon. Mr. Wishart: When he says the minister said he had no concern, that is going a little too far.

Mr. Sargent: Mr. Chairman, on a point of privilege—

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman; I say respectfully, Mr. Minister, I asked you if your office was being bugged and you said, "I do not really care."

Hon. Mr. Wishart: I would like to answer the question about concern, but—

Mr. Sargent: That is the statement you made.

Hon. Mr. Wishart: We are certainly going to talk it out tonight; that appears to be quite evident.

Mr. Sargent: The member for Downsview is right; you did make that statement.

Mr. Singer: On a point of order, he attributed motives to me, and I think that is a horrible thing. Mr. Chairman, I think if the Attorney General had any real concern about the use of bugging devices, electronic or any other way, by the police in the province of Ontario, he has the ability at his command under The Police Act right now and through his arm, the Ontario Police Commission, to issue orders about the very strict control of it. The fact that he was unable to so advise my colleague from Grey-Bruce that he has

done so indicates to me—not from his own words, but his actions indicate to me—that he has no concern about this at all.

Hon. Mr. Wishart: Mr. Chairman—

Mr. Chairman: Mr. Minister, I have one more speaker, the member for Lakeshore; it would be nice if we could wind this up.

Hon. Mr. Wishart: I think he has had a fair turn. Mr. Chairman, on the question of concern, I will be very brief. This province at my request, through the law reform commission, was the first province to make a study of electronic eavesdropping, bugging, wire-tapping, and so on.

I asked the commission to produce that report and a very extensive study was done. We presented that report with our own comments to the federal government because I have always been of the feeling, of the opinion, that in this area—since it so largely involved criminal law, criminal investigation, and the prevention of crime and the apprehension of criminals—since the criminal law across this country is a national law, that that is where the first and greatest effort should be made. I have said in the House and I have said it publicly elsewhere, that if there were areas then left on the civil side in the jurisdiction of Ontario, we would take action.

It is on the basis of the report that we sent forward to Ottawa that the Minister of Justice at Ottawa is bringing forward legislation. I suggested to him the need for the consent of a judge or the Attorney General, preferably the elected official, before the police get permission to make their wiretapping, their eavesdropping, on good and reasonable

grounds which they must certify to that official.

When the hon. member for Downsview shouts so loudly that no one can interrupt him, because he knows—

Mr. Singer: It is unparliamentary to interrupt.

Hon. Mr. Wishart: —that his premise is not right, saying I have no concern, it is so unfair, so wrong.

Mr. Chairman: I must call the hon. member for Downsview to order for the same reason.

Mr. Singer: To be quite fair, you call him to order too.

Hon. Mr. Wishart: I must take this opportunity to answer that. I have expressed concern for the past three years. I think I was the first Attorney General, including the Minister of Justice, to express this concern.

Mr. Chairman: The member for Lakeshore.

Mr. Lawlor: Mr. Chairman, it is almost time. I have a fairly lengthy presentation on the whole role of the police and the generally beneficial curbs I think should be placed on the police. My sole interest in these matters is in terms of better police relationships, which I think are deteriorating presently here and abroad. I would ask you to give me leave to commence next day.

Mr. Chairman: It being 10:30 of the clock then, gentlemen, we will adjourn to reconvene on Monday afternoon at 3:30 on vote 911.

The committee adjourned at 10:30 o'clock, p.m.

S-30

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STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

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OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, June 22, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

THE QUEEN'S PRINTER
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LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 22, 1970

The committee met at 3:40 o'clock, p.m. in committee room No. 1; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

Mr. Chairman: Gentlemen, I will call the meeting to order, and at the opening read into the record the substitutions of which I have notice for this afternoon's session. Mr. G. E. Smith of Simcoe East substituting for Mr. Boyer; Mr. Shulman substituting for Mr. Deans; Mr. Kennedy substituting for Mr. Demers; Mr. Carruthers substituting for Mr. Dunlop; Mr. Allan substituting for Mr. Hamilton; Mr. Villeneuve substituting for Mr. Morin; Mr. R. G. Hodgson substituting for Mr. Yakabuski; and Mr. W. E. Johnston substituting for Mr. R. M. Johnston.

Mr. G. Ben (Humber): Mr. Ben substituting for Mr. Sopha.

Mr. Chairman: Gentlemen, when we adjourned last Thursday night, the member for Lakeshore had the floor and we were on vote 911.

The member for Lakeshore.

Mr. P. D. Lawlor (Lakeshore): On vote 911.

My colleague for High Park (Mr. Shulman) has said he has a very, very brief word, Mr. Chairman, and I would defer to him. I would rather not lose my place though, if I can prevent it. Go ahead; if I do, I do.

Mr. Chairman: The rules that I have been following—and I prefer to stick with them—would mean that after the member for High Park, if you yield the floor to him, would be the member for Brantford, who has a few words to say; and then I could put the member for Lakeshore down again.

Mr. Lawlor: Well that would be fine.

Mr. Chairman: I do not think that is going to hurt his feelings too much.

The member for High Park.

Mr. J. Renwick (Riverdale): Perhaps you could put the member for Riverdale down, Mr. Chairman, immediately after the member for Lakeshore, then we will effectively exclude the Liberals.

Interjections by hon. members.

Mr. Chairman: Order, gentlemen, please. The member for High Park.

Mr. M. Shulman (High Park): I have a very brief matter. I have been trying to get a copy of the city of Toronto police regulations with some difficulty, and I am hoping I will get some help from the Attorney General (Mr. Wishart).

I asked you about this in the House about a month or two ago, and you suggested I should apply directly to them. Well I have been applying and applying and applying; we have had a great correspondence back and forth but they will not give them to me. Surely as the critic for one of the parties in the House, I should be entitled to copies of the police regulations. Mr. Bick has written me several letters and each time he says, "Well, it is just not our policy to give out copies of regulations, but if there is anything specific you want to know, I will tell you."

There is nothing specific I want to know; I want to be able to read the regulations.

Mr. Lawlor: That is typical of the commission.

Mr. Shulman: I would like to know what the regulations are. Now I have quite a correspondence here, but no regulations. Can the Attorney General assist me in this?

Mr. Chairman: The hon. member is repeating himself.

Mr. Ben: Has the hon. member asked David Lewis, who appeared for the police association, to give him a copy?

Mr. J. E. Bullbrook (Sarnia): How do you know the association can get a copy?

Hon. A. A. Wishart (Minister of Justice): Well, Mr. Chairman, I have a copy of the regulations. The most recent regulation was one that the House directed or suggested—directed, I suppose—that the regulations about weapons be formulated with the approval of the Attorney General by the Ontario Police Commission. We spent many hours on that, and those regulations were prepared and approved by the Attorney General.

The reason police regulations are not made public is because certain provisions in those regulations have to do with the investigation of criminal activity and the methods which police are to follow. I do not think it is really in the public interest that those—

Mr. Shulman: Could I have the rest?

Hon. Mr. Wishart: —that those—well, this is why I think—let me finish my sentence. I do not think it is in the public interest that those portions of the regulations be made generally known to the public, because they do concern the protection of the public. In the interest of the public the police should be allowed to carry on those investigations in accordance with the regulations which are internal.

That I think is why the chairman, Judge Bick, has said: "If you let me know what specifics you want to know, I can assist you." If this is within possibility, I am sure he will. But to make the regulations of the police force totally public I think is perhaps not wise.

Mr. Shulman: Well could the Attorney General assist me by getting me a copy of the regulations, excluding whatever might endanger police security by being made public?

Hon. Mr. Wishart: I shall take this up with the chairman of the Metro police commission. I have said to him I would like to discuss this with him and then see what reservations he may have.

Mr. Ben: On a point of order!

Mr. Chairman: The member for Humber.

Mr. Ben: Do you suggest that giving a set of regulations to the hon. member for High Park would be making them public? Are you referring specifically to Mr. Shulman, or are you suggesting that giving those regulations to a member of the Legislature would be making them public?

Hon. Mr. Wishart: I am suggesting that making them available to any member of the public—not a member of the Legislature alone, but any member of the public—might be not in the best interest of the public.

Mr. Ben: Are you suggesting then that there are things in the regulations of any police department in this province which are not to be open to the scrutiny of members of the Legislature of the province of Ontario?

Hon. Mr. Wishart: There are various—

Mr. Ben: Oh, they are different—

Hon. Mr. Wishart: Well, just a moment.

Mr. Ben: Go ahead.

Hon. Mr. Wishart: There are various areas of government in which it is not always in the best interest of the public to make certain information which the government may have, or which government authorities, police commissions, might have—known to the public. I think in the interests of the public, this is of standard and well recognized and acknowledged government policy.

Mr. Ben: If there are things that are so secret in the conduct of that department that we as legislators cannot find out about them, or that you consider making them public would be detrimental, then, sir, you are running a police state.

Hon. Mr. Wishart: No.

Mr. Ben: Yes.

Mr. Chairman: The member for Brantford.

Mr. Bullbrook: May I speak for a moment? I do not know if it is a point of order or not, but the thing that I would like to—

Mr. Chairman: On this?

Mr. Bullbrook: To the point of order. I think that you accepted it as a point of order. What I would like to convey, speaking to the point of order, is an assurance to the public of Ontario that some person in an elected capacity is totally knowledgeable with the import of the regulations. I think that this might well concern the member for High Park also.

I am not content, as a member of the Legislature, that the answer given by the Attorney General is adequate. I can see the need for certain security in connection with the regulations, but where you have an appointed

body—this gets back to a fundamental principle that I have been attempting to espouse—where you have an appointed body passing regulations we have got to make very sure that the public is protected through its elected representatives; namely that the Attorney General is familiar with such regulations before they are promulgated by any police commission.

Hon. Mr. Wishart: I think perhaps the point is well taken, Mr. Chairman. I would point out further that regulations of any police commission are not a departmental matter. This is not something that the department has concern with as a matter for the House. These are the regulations of a local police commission.

Mr. Bullbrook: That is the essential difference that the recordings of this proceeding should establish between my thought and that of the Attorney General. I regard it entirely as a matter of his departmental responsibility. I regard the passing of any regulation by any appointed body as subject, always, to legislative control.

I would completely disassociate myself from the idea expressed by the Attorney General there. I think that any police commission attempting to establish legislative enactment, which is a regulation controlling their method of armament, their investigatory functions, all that should be subject to review by the minister's department ahead of time. I am really displeased when I hear—

Interjection by an hon. member.

Mr. Bullbrook: I do not necessarily say by the Legislature. I am inclined to go half way on this thing, and I hope it is not unduly a halfway measure.

I say again, Mr. Chairman, there is obviously need, especially at the federal level of government, that these matters must be very secure in their nature. I think there are times that we, as members of the Legislature, can justifiably be told by a minister of the Crown, that he does not think it is in the public interest. Eventually, the question of the public interest is subject to review. But when I hear the response that the passing of a regulation or the enactment of a regulation by an appointed commission is not a matter of departmental concern, I am shocked.

Mr. Chairman: The member for Lakeshore has an observation on this point, I understand.

Mr. Lawlor: Yes, it is the same point.

I accede and agree with what has been said about this sort of regulation, not being made public necessarily, but certainly being accessible to the members of this House. Surely as elected representatives you have sufficient confidence in us—and the police commission should have too—that we would be given permission to peruse, on a certain understanding, and it would be the word of a gentleman, that you would not make disclosures on things obvious to yourself which would be detrimental to the interest of the public that you are seeking to represent.

It does smack of ancient laws and star chambers and everything else to have us told that there are internal matters of the police which are not available to members of this House. It casts some slight upon our integrity in the process, if I may say so.

Mr. Chairman: The member for Downsview.

Mr. V. M. Singer (Downsview): Mr. Chairman, I thought we argued this out successfully in the most recent amendments of The Police Act. The Attorney General, with great reluctance, accepted the direction of the Legislature to the effect that he was the person responsible for all police forces—not the Ontario Police Commission, not the individual police commission, but he, in the end result, was. The Attorney General took it that time with very bad grace, but even though it was put in the statute it does not seem to have any effect.

I wonder what kind of regulation we could have that should not be available to the public? Is it a regulation about the use of firearms? Surely the public should know if the regulations are about the use of firearms. Is it a regulation about the use of chemicals? Is it a regulation about the use of horses, police dogs? Is it a regulation about disciplining members?

Surely, those are in the most general terms and enunciate police policy. If we are talking about bylaws and the fuss about the secrecy of bylaws not too many years ago—when the police commissioners had the right to pass bylaws regulating signs in parades—there was some substantial difficulty getting copies of that. Again that battle was fought and it became quite apparent that those were matters in the public interest.

Insofar as secrecy is concerned, I can understand, and I will not go as far as the member for Lakeshore, that if a particular type of investigation is under way at a par-

ticular time and a, b and c are being investigated and in the course of investigation the file has been compiled, some of which relates to facts and some of which relates to gossip and some of which relates to policing techniques, it would not be in the public interest that it be revealed, probably, to anybody else except the investigating officers and their immediate superiors. But I do not think that that is the line that is attempted to be drawn.

If there are regulations, as I say, that govern the use of police weapons, handcuffs, vehicles, care and maintenance, disciplinary matters, schedule of punishments—that sort of thing; surely it is in the public interest that those be revealed?

I just cannot see any basis on which the Attorney General argues that there is a difference. If there is a particular kind of difference I would like to know. I am quite certain that any regulation that the Metropolitan Toronto police force has would not relate to a specific case; it would relate in general terms to running the police force.

I can see no reason whatsoever, Mr. Chairman, that those regulations should not be made public and should not be under the supervision of the Attorney General. I think the most recent amendments, as I say, to The Police Act, established that; and my recollection is of the reluctance, the real reluctance, of the Attorney General to go that far. He was forced to go that far by the House and not of his own choice.

Mr. Chairman: The member for Humber.

Mr. Ben: Yes. Does the hon. Attorney General have the police regulations here?

Hon. Mr. Wishart: I beg your pardon?

Mr. Ben: Does he have the regulations here?

Hon. Mr. Wishart: No. I do not have them with me.

Mr. Ben: Will he have them in the House tomorrow?

Hon. Mr. Wishart: I guess I could get them.

Mr. Ben: Fine; then we will move that we spy a stranger, and I want the Attorney General to tell the House, with the doors locked, how conceivably there could be anything in the regulations governing the conduct of the police department which it would not be in the public interest to reveal.

The revealing of dossiers, files, courses of conduct is one thing, but to say that there is

a rule or regulation which governs the conduct of the police toward the citizens, their employers, of which the citizens, the employers, ought not to know, is beyond my comprehension. Now you bring the regulations in tomorrow and we will put it to a test.

Hon. Mr. Wishart: I will take no direction from the hon. member.

Mr. Ben: We will say we spy a stranger, and let the Attorney General read in confidence, in the privacy of a closed chamber, what regulation there is—

Hon. Mr. Wishart: Mr. Chairman—

Mr. Chairman: The member is completely out of order.

Hon. Mr. Wishart: Mr. Chairman, I want to speak in any event. If I see fit to bring the regulations, I shall bring them on my own volition. I will take no direction from the hon. member. You may do that in the House, you may do it here but—

Mr. Ben: I move now that you bring the regulations to this evening's meeting.

Hon. Mr. Wishart: Mr. Chairman, I had not finished my comments.

Mr. Ben: I still have the floor, and I move that the Attorney General be compelled to bring the regulations here; and in their absence this committee dissolve itself and report in the House his abduration.

Mr. Chairman: Mr. Minister.

Mr. Shulman: I will second the motion.

Hon. Mr. Wishart: Mr. Chairman, I have indicated that the regulations are not within the department's responsibility; strictly they are part of a commission of a municipality. If I see fit to bring them, which I may do, I shall bring them on my own volition. I am not aware of what portions of them—at this moment I do not have them before me—if any, may be such that they should not be known to the public. I do not think it will be necessary to lock the doors of the House; I am sure if there is anything confidential the members will probably be quite capable of handling that in confidence. But I do not propose to take from the hon. member the suggestion that I be forced to do something that is not within my responsibility.

Mr. Chairman: I have ruled the hon. member's motion out of order. It was seconded by the member for High Park.

Mr. Ben: What your rule—

Mr. Chairman: Then my ruling is appealed.

I consider it out of order because it is a direction to the Attorney General to do something beyond the four corners of this room. We are active here as a committee.

Mr. Ben: I asked him to bring them tonight. I directed to him to bring them here tonight.

Mr. Chairman: I understood the motion from the hon. member for Humber was that he report it in the House?

Mr. Ben: Then he objected that he could not do that and my motion was that it be brought here tonight.

Mr. Lawlor: I do not think that to direct this particular kind of thing is in order. I would ask the Attorney General, beseech the Attorney General, get down on my knees and do any number of other things, but I would not feel that that is particularly in order in this particular vote.

Mr. Bullbrook: I am not going to support the motion, primarily because I think it confuses the basic issue; the basic issue being the statement by the Attorney General that he or his department is not responsible in connection with regulations enacted by appointed police commissions. I do not think that the motion carried forward has any direct benefit to this committee. The salient feature is the statement by the Attorney General that his department is not responsible for regulations passed by a police commission. If that department is not responsible for that I invite his response as to what legislative body is responsible to the public. If the answer is a negative one, then we are living in a trying set of circumstances as far as the enforcement of law is concerned in this province.

If we do not have any responsibility to the public in connection with those regulations then I am very worried.

Hon. Mr. Wishart: I could answer that, Mr. Chairman. I appreciate, I think, quite sincerely, the force of the argument. I would remind the hon. member particularly, and members of this committee, that in the debates of 1961 after the Roach or the MacDonald inquiry, the Ontario Police Commission was established. In those debates it was very clear and it was very firmly expressed by several speakers that police government, the control of police forces, should be something beyond the political arm; the political finger should not in any way touch the police;

that there should be some body which would govern police forces in this province without any colouration, any influence or any direction by a political head so that there would be no question of political influence getting into the matter of the conduct of the administration of the police forces.

Following that debate the Ontario Police Commission was established. It was given a very wide and complete function and responsibility. It was not directed to take direction from a minister of the government. The only thing, I think, that we found in The Police Act is that it does report once a year to the Attorney General who shall lay that report before the Lieutenant Governor-in-Council—I believe the member for Downsview has borrowed from my Act—and I think the Attorney General may then present the report to the Legislature. So that even the Attorney General is not really the minister. There was no minister directed to control or take the Ontario Police Commission, which is a more or less autonomous body which this Legislature, in very serious debate, created.

Last June—about one year ago—there was a very long debate in the House which ended about 4 o'clock one morning in which the question of particular regulations having to do with police weapons and weaponry, and other things such as chemical articles, were to be laid down by regulation. And after some considerable debate it was pointed out that the police commission has this authority and had this autonomy.

The House took a somewhat different stand than it did in 1961, and said, with respect to these things, and they were speaking particularly to the Attorney General on the regulations governing the weapons of police: "Mr. Attorney General, we think you should take a responsibility; and you should see that these regulations are passed and they should have your approval."

I accepted that. The House completely approved that, and you will find that is an amendment to the regulations, to the Act passed a year ago. That was the direction of the House, that was the legislation that was passed.

And following that direction, after discussion with police associations, police governing authorities, police commissions, police chiefs, and so on, and the Ontario Provincial Police of course, we passed a set of regulations having to do with police weapons.

Those come under the hand of the Attorney General but the regulations passed by the

Metropolitan Toronto Board of Commissioners of Police, regulations passed by the Hamilton Police Commission or the Ottawa Police Commission, are not within my department. I do not have them and I do not ordinarily deal with them.

You asked me to produce them. You might ask me to produce 700 or 800 municipalities and their bylaws today. I just do not have those. I do not take that. That comes generally, I think, in the functions of the Ontario Police Commission. Those things come within their function.

Mr. Chairman: Before we go on, I just want the member for Humber to confirm to me that my understanding of the motion which he has put to the committee is that the minister be instructed to bring regulations to this committee this evening. Is that the nature of the amendment, which I consider to be in order? It has been moved and seconded.

Mr. Ben: I just want to speak on it.

Mr. Chairman: I have three other people. I was not going to put it to the vote, I have three other people yet on my list. The member for High Park.

Mr. Shulman: Mr. Attorney General, might we solve this whole motion and everything else if, in the light of the comments that have been made here today, would you now be willing to let me see the regulations? You could get them at your convenience.

Hon. Mr. Wishart: Mr. Chairman, I am always anxious to oblige the hon. member, but I must treat this in the context that all members are to be treated alike—if they are to be made public, all members—

Mr. Shulman: And any other member who wishes to see them. May I see them, and any other member who wishes to see them? In that case, Mr. Ben's motion will not be necessary.

Hon. Mr. Wishart: I think, perhaps, I would want to consult with the chairman of that police commission who said that certain specific portions he would be quite willing to make known. I do not know what those regulations are. I think I have a copy in my office, but I do not think I should make available on my own responsibility the regulations of the Ontario Police Commission or the Metropolitan Toronto Police Commission at this moment. It may be possible to—

Mr. Shulman: Could there be anything in them that we should not see? I am trying to fathom what type of thing there could be there that you would not want us to see.

Hon. Mr. Wishart: I do not know of anything, but I do not know the contents. I have not consulted Judge Bick, so I do not like to commit him, through myself, to something that I really have no authority to do. I cannot tell the chairman of that commission that he must produce them even.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: I wanted to say two things. First of all, that if one was counsel for a member of the police association, or the force, on a charge, one would think that one could be made aware of the regulations involving the individual police officer. That is an aside.

I want to convey for the record now that this is reiteration to a great extent of a lengthy and thorough debate that took place last June, so I am not going over it all again.

As I recall that debate, we were specifically involved with police armament, but it was a conveyance, I thought, to the Attorney General, of an attitude on the part of the Legislature that would divorce themselves from the attitude previously expressed in 1961. That was that we felt that there must be in the field of police activity a political consequence, and I recall saying that there is a tendency throughout to equate partisanship with politics. Surely to goodness the police must be involved with politics, because all politics is the involvement of people and the public.

If the police commission are not to be responsible eventually to the public, I say again, sir, that we are in a sad state of affairs here in the province of Ontario.

I close by saying this: It was my understanding during the course of that debate a certain change of attitude was won in connection with police control, not just armaments.

I invite your consideration, Mr. Chairman, of the whole question of the sophisticated use of eavesdropping devices. If we do get into a field of federal legislation in connection with this, then surely there is an incumbency upon the Attorney General and Minister of Justice of Ontario to see that the regulations of individual police forces carry out that federal intention. That is why I say we must have that total supervisory responsibility.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I recall the debate very well. I have just been refreshing my memory. As a matter of fact I think I instigated that debate because it was my contention that the Attorney General, being the chief law officer of the Crown and having the powers given to him under The Police Act and the Lieutenant Governor-in-Council had the power—without the addition of subsection 2 of 39(b)—had the power to control the use of weapons.

It was only after the Attorney General said he had no such power—which we did not accept then and which we do not accept now, and the Attorney General objected down to the last second, which went on until four o'clock in the morning and the Attorney General was finally overruled by the Premier—that that section was put in.

Hon. Mr. Wishart: That—

Mr. Singer: Yes, that is what happened; because the Attorney General does not give way that easily.

Hon. Mr. Wishart: No that is not what happened.

Mr. Singer: Well all right, that is my view of what happened—and certainly my very strong opinion—because we sat and watched the Attorney General and once he digs his heels in—

Hon. Mr. Wishart: Let us be fair about it.

Mr. Singer: Once the Attorney General digs his heels in he does not give way very easily. The fact is, Mr. Chairman, that the present Police Act, section 62(1) says:

The Lieutenant Governor-in-Council may make regulations (a) for the governing of police forces and governing the conduct, duty, suspension and dismissal of members of police forces.

The argument flowed from that subsection and from others that if the Lieutenant Governor-in-Council could do that, then the Lieutenant Governor-in-Council had absolute right to rule and control the conduct of individual municipal police forces. And the Attorney General chose to say there was a distinction, and as I say it was over his violent objections, until four o'clock in the morning he maintained that position. And that is the genesis for subsection 2—

Mr. J. Renwick: That is not correct.

Mr. Singer: Well I do not care whether you say it is correct or not, I think it is correct.

Mr. Chairman: The member for Riverdale.

Mr. Singer: I am not finished yet.

Therefore, Mr. Chairman, I say that it is a point of the utmost importance that this fact be accepted once and for all, or else we are going to have many more debates that are going to go on until four o'clock in the morning. And the question initiated by the member for High Park flows from this kind of discussion.

Now it seems to me that if the Attorney General is the chief law officer of the Crown and if the Attorney General has the powers that are set out in The Police Act, then he can control what is put in these regulations and should control it. And we just played with words, it was an argument about semantics until we got section 39 subsection 2 in, which finally made that admission. Finally, flowing from that, the regulations came.

But the remarks by my colleague, the member for Sarnia, could not be more correct; the fact is that we are discussing now a question of utmost importance in principle. Are the individual police forces independent and laws unto themselves; or are they governed by the laws of the province of Ontario?

If the Attorney General now is reverting to the position he took when this particular subsection was being debated, then I say we have stepped backwards and he is taking advantage of some technical wording that got in here over his objection.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, nobody doubts the importance of the matter which is under discussion. We discussed it all last year and we are continuing to discuss it again today.

The fact of the matter is that after the debate took place, the Attorney General did bring in an amendment. It certainly was not in the early hours of the morning; it came through in committee of the House under his undertaking, as I recollect it.

But the point which he made and he made very clearly at that time—and this does not express either my approval or disapproval of the particular way he pointed it out—that in this particular case he was going to reserve, in the light of the debate which had taken place and the arguments that had been put forward, a veto over the regulations of the police commission. In other words, in these particular instances they were going to be

subject to this approval; that was my understanding of it. And when the bill came through in that late-night sitting—which had nothing to do with this particular bill; it was simply the last-minute rush to get all the various bills through the Legislature—then this matter was debated.

I recognize the importance of the problem. I just do not know what the answer to it is. It is quite obvious that it is not necessarily as simple as to say that either the members of the Legislature, privately or as a group publicly or in a closed session of the Legislature, should have available to them all of the regulations of every police commission in Ontario, if they wish to see them. It may well be that that is right, but to make that a requirement I think requires a rethinking of the debate which we had last year and a rethinking of the decision that was obviously made in 1961.

I disagree, for example, with the member for Humber. Policemen are not employees of the municipality. Anybody who understands the historic origins of the police system knows that a police officer has a status independent from that of an employee of the municipality. This is why you have the commission system of governance of the police, so that you will detach them and give them a status separate and distinct from either the political institutions within which they work or the municipalities or geographic areas in which they perform their duties.

If we are now going to say that we are not prepared to have the municipal councils have that kind of control over the police commission, then I simply ask the question, what is the justification then of allowing this legislative assembly to have that right? I cannot possibly conceive—if the Attorney General were to concede to us, for the purposes of this argument, our right to see the regulations or the bylaws governing the Metropolitan Toronto police commission—I cannot see how in any system of democratic municipal government he could possibly refuse to make them available to the members of the city council of the city of Toronto. Certainly they would have at least an equal right with us to see them. I do not happen to believe that one way to see them is to go privately to the Attorney General and peruse them.

I say these are the kinds of problems that are raised by the request which is made to the Attorney General, and I get very much concerned because I do not know what the hell the answer is. I have a very strong suspicion that there are items in the bylaws of some of the police forces in the province

of Ontario—which I cannot prove because I cannot see them to prove it—which are there in order to protect the police force against complaints by the citizens if and when the police officer is not acting in accordance with those rules and regulations.

You see, we get to one area of concern—and this was a matter which I was going to raise anyway, you do get every now and then a little look at the tip of the iceberg. Everyone is supposed to assume in the city of Toronto that if a police officer fires his revolver he is automatically suspended. This is what the layman believes it to be. But we had the occasion here with Constable Peleti, which I wrote to Magistrate Bick about. He sent me the regulations, not of the Toronto police force but regulations under The Police Act which point out—I really do not think that the regulations cover what I asked about in any event—but even then it says that the chief of police may at any time revoke the suspension.

I am not driving that particular point. All I am saying is that when a police officer fires his revolver in a particular municipality, we assume that he is going to be suspended, that some investigation is going to take place and he is going to be reinstated as a result of the investigation. That is a matter of public concern. But we do find and, of course, there is the specific example, that the chief constable can revoke it.

My concern is, I think, that somehow or other there perhaps is something called the morale or discipline of the force which requires a portion of the regulations to be internal to the discipline of that police force, and that maybe those are matters to which only the Ontario Police Commission and the Attorney General should be privy.

Mr. Bullbrook: And the Attorney General!

Mr. J. Renwick: And the Attorney General should be privy.

There may well be wide-ranging parts of the rules and regulations of the police forces that should be made, not only public but perhaps standard throughout the police forces in the province. Even on the point of those which should be privy to the police—and this is where you almost come full circle again—you say, why the objection to somewhat more democratization of the police commission? Or why not have civilian review boards with persons with proper oaths of secrecy to whom all of the regulations of the police forces are made available? These are the kinds of problems, but I do not know what

the answers are. I think that it is a matter we are going to have to fight our way through. I do not happen to think that this is the particular place at which to fight the battle.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: Mr. Chairman, you have been indulgent, but I say—

Mr. Ben: Mr. Chairman, did you put me down there?

Mr. Chairman: No, I did not but I will put the member down.

Mr. Bullbrook: I just wanted to clarify, and this is the last time I will speak. I wanted to clarify this. There are two situations and two considerations. One is the motion before as to making available to members of the Legislature all the regulations of police commissions. I do not intend to vote in favour of that motion. Collaterally of course, this is the essential discussion, whether under our responsible system of government there has to be some responsibility somewhere to the public. And that is the second thing where I feel that The Department of the Attorney General, through the thrust of the debate last year and the amendment accepted, has now accepted its responsibility in that form.

Mr. Chairman: The member for Humber. Then I have the member for Downsview; and then I will call on the minister.

Mr. Ben: Well usually, as the mover of the motion, I thought I would have the last say prior to the minister speaking on that.

Mr. Chairman: I have the member for Humber. The member for Humber has the floor.

Mr. Ben: All right. Mr. Chairman, I draw your attention to the caption of vote 911, whereby we are asked to vote \$1,245,000 to the Attorney General's department, or the Minister of Justice's department. It is captioned "supervision of police forces," which indicates that this money is being spent for the supervision of police forces. It states there:

This programme is designed to promote maximum efficiency of police forces in Ontario through advisory services, prime intelligence, police training and disciplinary procedures.

We then proceed to vote \$1,245,000, and we then go on to have a summary supervision of police forces programmed by activity in the Ontario Police Commission.

It has been stated here, and I am shocked that members of my own party would refuse to support this, that this is—that the police are supposed to be nonpolitical. I cannot comprehend any member rising in the Legislature and saying that there is an activity in the province of Ontario for which we vote \$1,245,000 but have no say in its conduct, or how this money is to be spent, or how the people who get this money shall conduct themselves; especially when it involves something like the police department.

Sure there are statements made that the police should be out of politics; but, Mr. Chairman, we are sitting here as politicians or are we sitting here as representatives of the people of the province of Ontario for the purpose of safeguarding their interests, seeing that the government is administered properly, seeing that their money is spent properly when levied, seeing that no money is voted frivolously.

Is that not our job? Are we, in so doing, being frivolous? Are we being political?

Partisan, perhaps! We belong to different parties. But collectively we represent the will of the people, and you say that we cannot examine into the affairs of the police department and determine what their regulations are?

Mr. Chairman, the Attorney General said that there may be something that the public should not see, that in the public good they should not see. Mr. Chairman, if there is anything in the police regulations that the public should not see or know about, then I suggest to you that is a reason for the public to see and know about it. Because there ought not to be anything in the police regulations—and this is different from the police manual where they instruct the police how to conduct themselves or how they—

Mr. J. Renwick: Oh God! How? A secret little document somewhere up here stuck in the drawer that nobody ever sees!

Mr. Ben: If the Attorney General is talking about a police manual which says how you go about apprehending a criminal, what techniques to use, how you search for fingerprints and where—that, perhaps, a person addicted to crime might use to his benefit. He might learn how to avoid placing his fingerprints here or there, or he may learn to avoid not leaving—his hair which could always be identified or footprints or the like. Then you might say, by stretching it a long, long way—because I cannot imagine what there would be in even

a police manual that has not been seen on television—that in the general interest of the public and in a desire to keep that from getting into the hands of the criminal element, you might keep it secret. But these are police regulations which govern the conduct of the police, not to tell them how they must investigate crime but how they must conduct themselves, what rights and privileges they have and what rights and privileges the public have. Surely, this should be open to public scrutiny. And for people—

Mr. Chairman: The member for— Carry on! The member for Humber has the floor.

Mr. Ben: —and for people to say that we ought not to compel them to reveal to the members of the Legislature what is in those regulations. I ask the members to mind how, for three days, we argued here on boards of police commissioners, that the conduct of the police ought to be open to public scrutiny by a non-partisan body of laymen; that they should not be restricted to the police commissions, because the suggestion was made that they are not the public and there ought to be a public review body set up of lay citizens.

What would you do, Mr. Chairman? Deny that lay body the right to see the police regulations that determine how they are going to be conducting themselves? Well if you would reveal these regulations to a lay body which, I presume, would be rotating from year to year or be changing over a period of time, if you would reveal the regulations to them, would you deny it to the people who appoint them?

Mr. J. Renwick: Maybe; maybe when we have thought it through.

Mr. Ben: Well I would suggest that the hon. member for Riverdale has not thought it through, and I am amazed that the member for Sarnia and the member for Downsview and the member for Lakeshore would say that they are not going to support such a motion.

Mr. Singer: I have not said yet, but I might. I have not said a word yet whether I will support it or not.

Mr. Ben: Well, I—

Mr. Singer: When I get the floor I will tell you whether I am going to support it or not.

Mr. J. Renwick: If you keep at him you may turn him off.

Mr. Ben: Well if that is how you vote here, then the public should know what motivates you to vote.

Mr. Chairman: Has the member for Humber completed his comments?

Mr. Ben: Are you in a hurry? Why do you keep interrupting me asking that question?

Mr. Chairman: When one reaches protracted pauses I think one is entitled, as a chairman, to conclude that the speaker may have wound up his comments. If he has anything further, he may continue.

Mr. Ben: Mr. Chairman, this is a matter of policy, a matter of principle. Shall we, as elected representatives, know what is in those regulations? The member for Riverdale said that the city council would be entitled to know what was in the regulations governing the police force—the members of metro council. So how can you possibly, conceivably, say that we are denied that right? Now I am finished.

Mr. Chairman: The member for Downsview has the floor.

Mr. Singer: Mr. Chairman, as is often the case, I must again correct the memory of the hon. member for Riverdale about that particular debate, and I have just been refreshing my memory. That amendment was finally put to bed after consultation between the Premier and the Leader of the Opposition, and the key words were "subject to the approval of the Attorney General." It was decided in a short conference, and a hand-written amendment came forward in the middle of the night to get the thing over with; because we thought, and we still believe, that the Attorney General should have control. And the Attorney General had dug his heels in for the whole night and refused to go along with it and finally the Premier made peace on his behalf. That is what happened.

Hon. Mr. Wishart: This is not so.

Mr. Singer: Now, quite apart from that, Mr. Chairman, I am a little puzzled by the convoluted reasoning of the member for Riverdale.

One portion of it I can agree with. I would think that if these regulations are to be made public they should be made public to everyone. I do not think they should be made public only to selected people or only in private conference.

But having said that, then I lose the member for Riverdale completely, because it would seem to me that he should know as those of us who served in the armed forces, that we were able to run, or the government

was able to run, a pretty large army on the basis of the regulations governing that army which were in books—the King's Regulations of Canada. They were there.

I had the opportunity of appearing in a great number of court martials, and when we were charging people with breaches of the regulations you had to point to a regulation that was being breached in order to have the charge properly heard and properly dealt with. The regulations were there and they were known and they were made public; they were published and they were available to anyone who wanted to see them.

Now this point came up several years ago and we argued then, and we argue now, that if there are regulations—and there is no reason why there cannot be a common set of regulations for all police forces in the province, promulgated out of Queen's Park—that they should be made known to the public. I just cannot imagine that there could be anything in the regulations which would be equitable, fair and reasonable that should be secret, and I draw the line between investigatory files and regulations governing the conduct of any police force.

To the extent that the resolution of the hon. member for Humber involves secret revelation of the regulations, then I cannot support it. Had the resolution said that all regulations of all police forces be made public, then I would support it. We are just as much members of the public as anyone else and I do not think there is any point in trying to get a little group over in the corner and saying, here are the secret regulations that you can see.

The principle is, Mr. Chairman, do we have control over the police forces, and are we entitled to see the general principles by which they are run, or do we not? And I think when you pose the question in that way there can only be one obvious answer. We in the Legislature must have that and the Attorney General on many occasions, including this one, seems to think that we do not.

Mr. Ben: On a point of order, Mr. Chairman.

Mr. Chairman: State your point of order.

Mr. Ben: I do not think the resolution speaks anything about a secret, it just said that he should bring them here tonight. Let that go on the record!

Mr. Chairman: The record notes the correction.

Hon. Mr. Wishart: Mr. Chairman, I shall try to be brief. Actually, I think I have to say that the member for Riverdale said in more concise and clearer language than I can say, the considerations which I think really apply here, and I will not repeat them because he has said them so well.

I would direct the members of this committee, perhaps if they have time one day, to read the debates of 1961 in which perhaps some members here engaged at that time. I was not a member of the House, but I have read them and there was a very strong sentiment that police authority should be placed in, and fixed with, some body which stood above, really, the hand of any minister of government. And that local autonomy, the municipal police commission, should have that autonomy, should have that local power to run its police force so that there should be preserved with local police forces local control, and that no politician—

Mr. Singer: I do not want to—

Hon. Mr. Wishart: Do not interrupt me, I did not interrupt you.

Mr. Chairman: Let the minister continue.

Hon. Mr. Wishart: Perhaps I might borrow back my Act from the member.

Mr. Singer: Yes. It is a secret document but I will give it back anyway.

Mr. Chairman: Nothing secret about the Act.

Hon. Mr. Wishart: That, as I read that debate, was the very strong feeling of the House at that time.

Now to come in 1969. In the debate it became quite apparent, in the course of a rather protracted debate, that with respect to one area at least—the weaponry of police and their use of it, and the disciplines which should apply to police who use weapons—there should be some responsibility, some government control, some ministerial responsibility. And much as I felt disinclined at first to reverse the stand which the House had been so vehement about, before I was a member of it, in that debate, I prepared the amendment which said: "I shall accept this responsibility; the members of the Ontario Police Commission shall have the responsibility of making regulations subject to the Attorney General".

I took that responsibility, as I sensed the feeling of the members of the House. Whatever arrangements the Prime Minister might

have made with the Leader of the Opposition to shorten the debate I do not know.

Mr. Singer: Coincidence!

Hon. Mr. Wishart: But the amendment was mine—let that be clear on the records.

Mr. Chairman, none of the money we are voting here is going to local police forces. I do not have the regulation of local police forces. I may have the regulation of the Metropolitan Toronto police. It may very well be that we should discuss The Police Act and review our thinking—perhaps that is something we should do some time in the Legislature. Perhaps out of the debates in this committee something of that sort might come.

I am not attempting or trying to assert an authority here, or to maintain a secrecy about something. If it is felt in the Legislature, if the Act makes it plain that this is something that the Attorney General should take the complete authority, through the Ontario Police Commission, perhaps, that he should govern all regulations of all police forces, if that is the feeling of the Legislature, that would be for the Legislature to say. So far it has not said that, and therefore I cannot.

I think there is a very clear distinction in the legislation which we passed last year which said: "Subject to the approval of the Attorney General", and it was the very last thing after the end of the regulations,

The Commission may by order prohibit the use of any equipment by a police force in Ontario, or its members.

I took that regulation to cabinet. I am not sure it needed to go there because it said just: "Subject to the approval of the Attorney General"; telling me I had power to act on my own behalf as a minister.

That regulation is public. You may know—and I am trying to make it clear—that where I have authority, the actions there are public, those regulations which govern police use of their weapons, how they are disciplined, the whole business.

Mr. Ben: How they are disciplined?

Hon. Mr. Wishart: How they are disciplined; that is all public. You do not have to ask me for that. That was put through as a regulation and it is public under our regulations Act. I merely draw the distinction that I cannot, I think, go so far as to say that I will accept your demand for responsibility that I produce the regulations of a local police commission.

Mr. Chairman: Gentlemen, I will put the question. You have heard the motion by the member for Humber. I will read it to you:

Moved by the member for Humber, seconded by the member for High Park

and these are the words as I have them down here:

That the Attorney General be instructed to bring all regulations of the police commission before this committee this evening.

Is that sufficiently accurate for purposes of the record?

Mr. Ben: The Metro Toronto Police Commission.

Mr. Chairman: "Of the Metro Toronto Police Commission."

All those in favour of the motion? Four.

Contrary minded? Eleven.

I declare the motion lost.

The member for Brantford has the floor.

Mr. M. Makarchuk (Brantford): Mr. Chairman, I am rather reluctant to join this high-powered, esoteric circle of legal people, but I think I will.

What I am going to discuss is the continuing saga of the Brantford version of the Keystone Kops that has been going on now for about a year and a half; I guess it would be probably longer, and it appears that it will be going on for another year. It is becoming in the locality something like one of the continuous soap operas which involves charges, counter charges, court cases; and of course there was a recent incident over the weekend which will add to it.

First it appears to me that the problem here arises out of the fact that the Ontario Police Commission has refused to act in a forceful manner; it has refused to fulfill its role in this particular case.

The case stemmed from an investigation of the Brantford Police Department. There were certain findings which were discussed in the House. The report was written, it was not made public. Certain members of the press received the report, but city council was refused the right to see the report. This is a matter of priorities in some of the local people as to who should see certain reports and who should not.

As a result of that report there were letters written to the local paper by two police officers; they were charged under The Police

Act by the Brantford Board of Police Commissioners and both cases were dismissed. When the officers returned to duty they found that they were being harassed and they were of course refused promotions. It is significant to note that those who did get promotions were all members of the Brantford Police Association, and if you were a member of the police association you automatically received a promotion. That is beside the point right now.

Anyway, these individuals, when they went back to work, were being harassed. This matter was raised by the two policemen themselves with the Ontario Police Commission about the case. The harassment continued Attorney General, and nothing was done about the case. The harassment continued until eventually one of the policemen appeared on the doorstep of the Legislature with a sign, parading, condemning some of the action that was being taken. Another policeman also took similar measures and he paraded with a sign in downtown Brantford claiming—I am not sure what the wording on the sign was—something to the effect that there is promotion for corruption but nothing for honesty. As a result of the parades there were charges laid against these two officers again.

The first charge against constable Loli was heard and the charge was then dissolved in the sense that Loli resigned from the police force and therefore he does not come under the aegis of the Act or under the supervision of the Act.

This was the reason given to the public. What in reality happened, Mr. Chairman, was that constable Loli was paid off. He received a certain sum of money to drop all action; it involved pension funds and so on, that were tied in, which he would not have received ordinarily if he was dismissed from the police force. As a result, constable Loli left the police force and the court action was terminated on that instance.

Mr. Singer: You used the phrase "constable Loli was paid off." Did he get money that he was not entitled to? Is that what you are saying?

Mr. Makarchuk: The circumstances as I understand them were that if he proceeded with the case and he lost the case, he would not have received the money. But the fact that he did not proceed with the case and that he resigned from the police department, certain money was paid to him as a result.

Mr. Bullbrook: I am confused. Would you permit a question for my knowledge, because I am very interested. Was this to be a hearing before the police commission?

Mr. Makarchuk: No, this was a hearing before a county court judge.

Mr. Bullbrook: A hearing before a county court judge?

Mr. Makarchuk: That is right.

Mr. Bullbrook: A disciplinary type of hearing?

Mr. Makarchuk: No, it was charges under The Police Act.

Mr. Bullbrook: Charges under The Police Act.

Mr. Makarchuk: Right.

Mr. Singer: Against Loli?

Mr. Makarchuk: Right.

Mr. Singer: And the payoff was out of funds. What funds?

Mr. Makarchuk: He was paid out of municipal funds. As I understand the circumstances, if he were dismissed because of infringements of charges under The Police Act, he would have not received the funds.

Mr. Singer: But if he were not dismissed—if he resigned in the ordinary course, he would have got the number of dollars that he did get?

Mr. Makarchuk: Right.

Mr. Singer: So he was entitled to that.

Mr. Makarchuk: This of course was followed by another case involving the other constable who was involved in this matter, and his case has been heard. They were approaches—at least he states there were approaches—

Mr. Bullbrook: Who heard that case?

Mr. Makarchuk: A county judge.

Mr. Bullbrook: A county court judge?

Mr. Makarchuk: A county court judge, and I gather the judgement will be brought in sometime in the future. In the continuing saga, last Saturday this policeman was invited to speak at a municipal affairs conference in Brantford, and he was going to speak on what was going on, or he was going to make some comments, mostly on the reports that

were carried in the press which he said were inaccurate or were untrue. He appeared at the platform, he sat down and there were various people coming and going to the meeting. Anyway, there were two individuals at the meeting who had paid their admission—incidentally it was \$2.50 to take part in the conference, they registered at the conference and they came in.

Just before constable Stockdale started to speak it was noticed by people that there was something going on under the table; they noticed that the back end of a tape recorder appeared momentarily. Apparently there was some confusion as to how this tape recorder was supposed to be operated, and the two police constables who later identified themselves had a tape recorder in their brief case. They were going to use this tape recorder, I presume, to record the proceedings at this meeting, or particularly the statements made by constable Stockdale.

Anyway, this was brought to the attention of the chairman and it was suggested to them very nicely that if they wanted to record it—because there were tape recorders all over the place; there were other people recording the comments; the press and people who were going to write this thing up—they put the tape recorder on the table, which they did very ashamedly and very reluctantly, but they did and proceeded to record the comments at the meeting.

What I am concerned about here is that it seems to me that this is rather a sort of stupid way of harrassing or intimidating people. This is sort of the manifestation that you would find in a police state. Where you see the appearance of secret police at public meetings. Surely, in this case anyway, if they wanted to record this thing, they could have asked anybody there and they would have said, "Sure. We do not care. Put your tape recorder on because other people are doing it."

The thing was open to the public; the press were there and were recording this thing, but their manner of behaviour was to come in there secretly, furtively, sneak in a tape recorder and then proceed to tape this thing—which could have been used; tapes are liable to fixing the contents, the quotations can be quoted out of content and so on.

But using this thing in such a form smacked of intimidation; it smacked of the idea of a suppression or infringement of the right of free speech of individuals.

Mr. Chairman, I think things of this nature should not be permitted to continue in Ontario. There should be some kind of direction. If the police want to tape what a man says or he intends to say, they can question him or they can say, "We would like to come to the meeting; we would like to record this thing." In this case, certainly nobody would have objected under any circumstances. But the fact that they do it in a malicious and intimidating manner, I think that this is not the kind of behaviour we want from our police departments or our policemen.

I do not blame the two men who were there. They were under orders; they admitted this afterward when we questioned them. They were told to come there and they felt foolish—

Mr. Bullbrook: Did they tell by whom?

Mr. Makarchuk: No, they refused to say by whom. They felt foolish about the whole thing. Ordinarily, just in the interest of efficiency, if you are going to send somebody, then surely you should train them how to operate a tape recorder and not go through the Keystone Kops operation. It looked rather ridiculous as they sat there fumbling with the tape recorder on the table in the view of a few people.

Mr. Bullbrook: Did they ask them to start over because the machine was not working?

Mr. Makarchuk: Yes, as a matter of fact, this comment was made. We also felt that if they contributed \$5 to the NDP in this case, contributions of a similar nature should have been made to the other parties.

Mr. Bullbrook: Very fair.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, I think I shall deal briefly with this. I really do not know if there is any great point raised here; perhaps the hon. member has made quite an account of this whole business. We might just review it briefly. The report on the conduct of these officers was requested by the Brantford Police Commission of the Ontario Police Commission. The Ontario Police Commission made its investigation and it furnished its report to the Brantford Police Commission; that was its function in the matter.

I am not particularly aware of details of the further matter. I do not know anything of what the hon. member has recounted. He says there was harassment; I cannot say. I

know that the matter has now ended up before the courts with one officer at least making criminal charges. In order to make sure that he has a full and fair trial, we have asked a special crown attorney to come in from outside who has no connection with the local administration of justice at all. We have asked the chief judge to provide a special judge to come in from outside so that there will be the fullest and fairest possible trial of this whole matter.

Insofar as the administration of the police force is concerned, that is what we are doing.

As to this tape recording incident—as the member points out, there were many tape recorders there—anyone could have done it; why the police did it under the table, if indeed it was under the table—I do not know. Perhaps they did not want to be too prominent, but that really is a matter I do not think of any great importance.

Mr. Makarchuk: Well they acted, if you will pardon the expression, like a couple of elephants in a china shop. It was obvious that one of them was a brother of one of the people attending the meeting.

Hon. Mr. Wishart: Well perhaps. But they had a right to be there. The only reason I can think that the police were a little inhibited or timid about showing their tape recorder, as other people were doing, was because there has been so much discussion about police recording these things.

Mr. Makarchuk: This is exactly the point, Mr. Chairman, the fact is that this particular incident is just a continuation of this rather ludicrous situation. In the eyes of many people in Brantford, it is a real Keystone Kops operation.

Hon. Mr. Wishart: As I say, maybe it is because there has been so much talk that the police should not take recordings, should not do this sort of thing, which is nothing to prevent them from doing it; and, as the hon. member mentioned, the public was doing this openly and above the table and so on. I do not think I can comment further.

Mr. Bullbrook: If I follow this, Mr. Chairman, the reverse logic of that perhaps is that if we do not say anything about electronic equipment in the future, the police will let everybody know when they are using it. I do not know whether that follows. But I do want to make a comment on this purely for the sake of exaggerating, I suppose, what I said before. Because basically the background of this of course is the essential

discussion on the question of the release of the eventual report from the Ontario Police Commission. But if you follow this logic, basically a member of the Legislature, feeling that he is carrying out his bounden public responsibility, complained to the Attorney General, who then complains to the police commission who can say, if we are correct in our present established attitude, "It is none of your business." I am not saying they will do that as people of high quality and gentlemanly persuasion, but this is basically why the discussion that took place on the former motion was absolutely important, because it becomes a question of them being able to say to the Attorney General, "It is none of your business". I hope it is his business.

Mr. Chairman: Any further discussion on this point?

Mr. Singer: Yes. On that point, I frankly cannot get at all excited about policemen coming to a public meeting and taking a tape recording.

Mr. J. Renwick: We do not have to do it up here—

Interjections by hon. members.

Mr. Singer: I think that is wrong. I have said that that is wrong; I see no reason why—

Hon. Mr. Wishart: We record our own—

Mr. Singer: As a matter of fact, I understand that some people do it up there surreptitiously, but I can see nothing wrong with it.

If there is a public meeting called, whether it is an NDP meeting, a Liberal meeting, or a Conservative meeting and you invite the public and somebody wants to come along with a tape recorder; so what? I cannot get excited about that at all.

If it was done in a way that made the police look a little foolish, well I am sorry about that because the police should act in a way that does not make them look foolish. But I cannot get awfully excited about policemen going to a public meeting and taking a tape recorder.

Mr. Makarchuk: And photographs?

Mr. Singer: And photographs too!

Mr. Chairman: Any further discussion?

Mr. Makarchuk: On the same point raised by the member for Downsview, it seems to me it goes against the grain—the idea of

police involved in some kind of a public function and doing things surreptitiously, furtively, with the public there being unsure as to what are the consequences or the purpose of their being there. It has a certain intimidating effect on members of the public.

It may be different, in terms of size, if you had 20 policemen outside the doors of a meeting in comparison to two policemen trying to record very secretly the goings on at the meeting, but the idea is the same. It seems to me it has these manifestations of something approaching a police state.

Mr. Chairman: The member for Downsview.

Mr. Singer: Yes, but not on that point any more, I think.

Mr. Chairman: Yes, I have the member for Downsview on the list farther down, once we get away from this point.

Any further discussion on the point raised by the member for Brantford? If not we will return then to the list I was following when we opened at 3:30.

The member for Lakeshore has the floor.

Mr. Lawlor: Thanks, Mr. Chairman. Yes, that was a pertinacious little interlude, was it not?

Mr. Chairman: One minute can work its way into 100 minutes.

Mr. Lawlor: I shall never do that again. One learns bitter lessons in this committee. This is my swan song, I may indicate to you, in these estimates, I think, subject to what the member for Downsview provokes me into.

Mr. Chairman: Can we count on that?

Hon. Mr. Wishart: Are you going to read all those books?

Mr. Lawlor: Yes I am. You know, the swan does not die easily. It goes down with the ship.

Hon. Mr. Wishart: With what?

Mr. Lawlor: There is a mixed metaphor for you.

Mr. Chairman: That is a delightful mixture of metaphors.

Mr. Lawlor: Now let us be serious, gentlemen.

Mr. Bullbrook: He cannot.

Mr. Lawlor: We have already discussed to some extent the role and function of the police. I want to spend a little time today surveying and indicating perhaps some thought as to the relationship between the police and governing bodies as a whole, and particularly with the general public.

A certain feeling has grown up, particularly in the United States, and spilled over into our own country, of a disaccord or a feeling of animosity even which is, I hope, not too widespread. But it is certainly present—it is felt by all of us—as between the operation of the police forces in our country and democracy and the citizen at large.

It comes up in many forms—in the form of citizens refusing to assist police when called to do so. In order to get into this matter we will have to, briefly I trust, review the role and function of police forces. We will set afoot, I trust, a dialogue—which will not be terminated, of course, here today by any means—as to what we think really has to be and ought to be, because there are conflicting ideas about this, and this is causing a good deal of trouble.

We have talked about the high-handedness of the police forces in the area of, after arrest, permitting communication with people outside. We have talked about, or we will I trust talk a little about, the use of search procedures, the confessions, the problems involved with admissions, both prior to arrest and subsequent thereto. We all know that under our law the police may use any devious method whatsoever; they may use tricks, they may mislead; and still evidence is admissible before our courts.

In this particular regard, our jurisprudence touching police gives the police a far more free-wheeling and open hand than anything resembling what goes on in the United States.

Hon. Mr. Wishart: Is that good or bad?

Mr. Lawlor: You remember the Miranda decision—that is a very good question, I shall come back to it. I do not want the thrust of my remarks altered. I think we are going to have—without adopting the rules in the Miranda versus Arizona decision which are very tight and very constrictive—they nevertheless spell out to a greater degree than our courts have thus far done a better relationship in terms of arrest and in terms of the rights of citizens prior to arrest than what we have done up to this time. It is not just simply by way of developing jurisprudence but through actual legislation. It seems to me in the cards that we should have to do so.

Mr. Singer: Do you not think the recent amendments to the code are along this line?

Mr. Lawlor: Yes, they are helping. The business of issuing summonses and that sort of thing is beneficial and a step in the right direction, as we said the other day.

Hon. Mr. Wishart: I wonder if the hon. member would permit me? Perhaps he is coming back, and I certainly do not want to affect the train of his thoughts. But I remember, it is about four years ago I think, the member for Riverdale in our estimates debates gave a very thoughtful discussion on procedures in the United States. He mentioned the Miranda case, the Whitmore case and the Arizona case, I think, and we have seen some effect of that since that time. I think it has actually resulted in legislation in Congress to counteract some of the wide area which was given there to the citizen being arrested. I hope that either the member for Riverdale or Lakeshore will comment.

Mr. Lawlor: Let us recall what the supreme court said in the Miranda case. They held that an incriminating statement made by a person in police custody would be not admissible in evidence unless the suspect has been clearly informed that he has a right to remain silent and that anything he said would be used against him in court.

Just to comment on that first—the business about the right to remain silent. Of course under our law too an accused has the right to remain silent. He need say nothing at any stage of the proceedings and if he does make statements and makes it conditional upon having a lawyer present then, again they cannot bring or force him to make any statement at all, nor use it against him. He has that right.

How many people know about the right? The American position is that they must be clearly informed of the right. Our position is that he must be kept in the dark, or at least if he is not aware of what the law requires if he makes a statement he makes it at his own peril.

I think that the business of informing people of their rights will be and is a fundamental right in itself within any country that is not involved in some kind of fascism.

The second thing that Miranda did is that the suspect had to be clearly informed that he has the right to consult a lawyer and to have the lawyer with him during interrogation and that if he is indigent a lawyer will be provided for him. The Congress of the

United States in the omnibus crime bill reversed some of that, making it more in line, actually, with our jurisprudence under this head.

I would not think that the second matter has that much that it should be involved in a rigid rule of law, that he should necessarily be informed of his right to consult a lawyer prior to anybody making any statement about it. I would not go that far, so that it is under the second head of Miranda that I have some reservations and misgivings. Under the first I have none whatsoever.

I feel that the right to remain silent should be, otherwise those who are educated, those who are slick, those who know a bit of law, have a noticed advantage of the man in the street who, due to the circumstances in which he meets the police, due to an error perhaps of intimidation even or at least the overpowering force, almost immediately blurts out either exculpatory statements or the inculpatory kind, and does not receive adequate protection under our law as it presently stands.

I just want to mention one other thing. The police have no power whatever to detain anyone under suspicion for the purposes of questioning. That is taken from something written by Lord Devlin, which is the British jurisprudence in this regard. But how many people know that? How many people know that unless the police are prepared to actually arrest you and suffer the consequences of doing so—false imprisonment or false arrest and are subject to suit—they do not need to go along quietly to the police station or anywhere else?

Admittedly a citizen who is co-operatively minded would go along, but must he go along under some form of delusion that he must go along? Does our criminal law, is it so purblind that it makes it necessary to keep people in the dark in order to obtain the kind of evidence that would be valid and useful against the accused? I think that it is a back-door, backhanded way of administering justice; and it often redounds to the detriment of the accused even when the accused is perfectly innocent and he blunders into having himself incarcerated. I think every obstacle should be thrown up against that possibility in terms of human rights.

It seems to me that the earlier discussion we had today partially involved how we view the operations of the police and what they are supposed to be doing. Under this head I am not going to give a lengthy dissertation. I remember in committee, under The Police

Act, that argumentation came up this way. It was a result of conversations I had at that time with the member from Riverdale, that I went to Hullsburry and looked up the whole business of what the functions of police really are. Certainly under English jurisprudence there is no question at all as to what that role is. And it is set out very well in John Hohnsburger's article in the "Lectures to The Law Society of Upper Canada—Special Lectures of 1963" having to do with arrest and interrogation. At page three, he said:

Recently a British Home Secretary described the British policeman as a civilian, discharging civilian duties and merely put into uniform so that those who needed help know exactly where to look for it.

Now, against that British concept, is the American notion, the quasi-military law enforcement rigorous notion of the law. You take your choice! Which one do we want?

But depending upon that choice, we shall have a very different view of the role of the police, of the role of assistance that one should give the police, of the co-operation that a community should extend; and the other way—how the police are to regard the body politic and the citizen of this country and province. It is a completely different standpoint. It reaches very deep. Hohnsburger says:

The relationship between a policeman and the authority which employs him is not that of master and servant. A policeman is an officer appointed to perform public duties of an executive character in the general administration of justice.

And he quotes a case of the Fredericton and Labour Relations Board in 1955.

His authority is original, not delegated and is exercised at his own discretion by virtue of his office. He is a ministerial officer exercising statutory rights independently of contract.

And it goes on in that vein. I am saying that does not seem to be the way we either regard or orient our whole approach to the police function in this jurisdiction.

The function in the American concept is as a military force of officers, involving primarily force and not persuasion and places the emphasis upon the criminal investigative functions of the police. Whereas the other one places the emphasis on peace and good order; the public peace-keeping functions is the role curia, and his role is as a helper, someone who aids in alleviating any number of

public needs. People are in distress and difficulties and they come to the police under this particular head.

The criminal function of the police, under our police, is largely performed by detectives. The other function of the man on the beat and the patrolman is largely of a different kind; nine-tenths of his duties are traffic control, settling quarrels between husband and wife, helping children across the street or any number of other public relations functions. But that is not where the weight falls and that is not where the training is given so far as police work is concerned in our province.

The Ouimet report has whole chapters on the role and functions of police which seems to bear out, by and large, what I am saying. At page 40 he says it is equally important that police powers and practices not undermine the social values which they were established to protect, which includes civil liberties as well as security of the person and property.

It is necessary therefore to strike a delicate balance between those powers of the police that are needed for effective law enforcement and the right of the citizen to be protected from abuse of power. The nature of the result of the compromise is described in the British royal commission on the police—I think it is called the Talbot commission—and I will just read one line:

Thus it is to the public good that the police should be strong and effective in preserving law and order and preventing crime. But it is equally to the public good that police power should be controlled and confined so as not to interfere arbitrarily with personal freedom.

Now the deterioration in the relation between public and police—

Hon. Mr. Wishart: I wonder, Mr. Chairman, and again I do not want to sidetrack the train of thought here, but the member ends up that there should be this balance, that the police should protect the public and there should be control. Now we have been talking a lot this afternoon about the form of control. We talked the other day about the local police commission; we talked about another review board placed above that. And the hon. member stops there apparently on that part of his subject.

Mr. Lawlor: I think we have discussed that adequately, Mr. Chairman. I made it abundantly clear. I gave you several alterna-

tives with respect to the role that comes down to civilian review boards.

Hon. Mr. Wishart: I do not want to probe the hon. member any more than in that case. I have provoked him enough.

Mr. Lawlor: I think that what I said stands. I have inveighed against the present commission sufficiently, and I feel there is little to be gained from indicating to him in any more abstruse language than I have already used, that it does not meet those requirements of confinement and control in terms of a democratic society. It is perpetuation of a fairly autocratic, close-knit, tightly-woven praesidium which is impervious, apparently, to your overtures and to anybody else's.

To whom really are they responsible? In the last analysis to the Ontario Police Commission! That too then falls outside general public purview.

I think that it is inbuilding of an arbitrary and possible despotic power in society, and extremely dangerous; particularly as things are developing at the present time with young people and those who are deeply incensed or moved over the failure of Legislatures to act adequately or quickly enough to meet all kinds of urgent public needs.

There is an acceleration taking place in our society. That is why we pass so much legislation; that is why you are in a hurry, so to speak. It cannot be helped, and it is a good thing.

The pressure on those who are responsible is simply enormous. But the pressure is not going to be gainsaid. The pressure is not going to be in any way alleviated in the future until we come to some version of the new Jerusalem, which I do not envisage. The speeding up that is taking place in demands by the public is partially a result of education, partially a result, as far as I am concerned, of a real protest against conditions as they are: too much poverty, too many people disrespected, not enough cognizance given of human dignity and personal right in a society that is so overpoweringly uniform and mechanistic it uses machines and treats people impersonally.

The philosophers spend all their time writing about this. This is what this existentialism is all about—the pointing out of just what occurs in a society that has become ingrown and is open to world-wide influences. It is the global village idea, where everything pours upon us. We are conscious of the iniquities of the world. Whether we like to

be or not we are, perforce, driven one way or another; and those with the tenderest conscience are the ones who are most vocal. This is, partially, what I do not think is really recognized by the police, certainly not by the police commission as it presently exists. It is an obtuse, recalcitrant body that is divorced from the flowing life of the populace out there.

Hon. Mr. Wishart: You say the police commission. Are you speaking of what is the rule throughout this province, with the exception of Metro, a standard body with the head of the municipality, a county court judge, a provincial judge—

Mr. Lawlor: Provincial judge! I think that is atrocious.

Hon. Mr. Wishart: I do not know whether a local, any citizen—

Mr. Lawlor: It is now when the judges drop off, but there are not always citizens present.

Hon. Mr. Wishart: You use the language, "recalcitrant, obtuse—"

Mr. Lawlor: Divorced from, isolated, sitting in some kind of—

Hon. Mr. Wishart: The mayor? Divorced from public communication?

Mr. Lawlor: The mayor is the only voice of public sentiment on that board, in a real sense.

Hon. Mr. Wishart: You think the judge is obtuse? Recalcitrant?

Mr. Lawlor: I think that the role of the judiciary inescapably causes them some degree of isolation from public life, as it is its function. It is one of the prices paid. It is one of the problems connected with the police forces, too.

Hon. Mr. Wishart: It is all right, if I accept your premise you see, but I want to get that worked out first.

Mr. Lawlor: Let me give you a little bit of Ouimet on this particular point. You know I was not going to quote this, but you have driven me to it.

Hon. Mr. Wishart: I thought I would provoke you eventually.

Mr. Singer: That is some more of that provocation that the Minister was not going to give him.

Mr. Lawlor: To quote:

The nature of police work tends to produce in a police officer—

Now this is true about these higher functionaries.

—a sense of isolation, and sets him apart from the community. To counteract this tendency towards isolation, we believe that the police training programme should be broadened with a view to developing in police officers—

And in police commissions.

—a better understanding of their role in relation to the total societal goals, and a better understanding of the behaviour of particular groups.

Hon. Mr. Wishart: I agree with all that, but that is not the police commission; that is policemen.

Mr. Lawlor: I think the thing is condoned, and multiplied in the case of these people. After all, the policeman does have some kind of immediate relationship with the citizen at large, but the police commissioners, sitting in lofty grandeur, are quite isolated; and isolated to a far greater extent than the local police officer. If the police officer, you agree, is isolated, then triply are the others; especially judges, because of the nature of the selection of their friends, and because of the high duties that they perform. I remember somebody who was here with us from the law reform commission saying, is it not an amazing thing the minute a man becomes a judge how your whole relation changes.

Hon. Mr. Wishart: Do you change overnight?

Mr. Lawlor: Yes. You have to. You cannot be chummy and go round with the boys in the same old way. It is a terrible price to pay. It is almost better not to be a judge.

I wanted to say a word in this regard. I shall not say anything detrimental to the former chief of police of Metropolitan Toronto, I think he was a good man on the whole, but I think he had a very autocratic tone about him. But he has passed, and I am not in a position at this time to say very much. I welcome the coming of Chief Adamson. He was on a panel, which I chaired about two weeks ago, and the man is far more aware, I think, than is usually the case, of public relations. He is making a real effort, and I trust that he will continue to do so, in terms of acquainting the public with the police function and engendering

the greatest goodwill possible. It was one of the things to come on this public panel of which I spoke, and he does a good deal of that.

Nevertheless, in the police ranks themselves there are inbuilt obstacles to a true liaison. There is not very much lateral movement in those coming into the police forces. By that I mean men from another police force, and a different place, coming in at a fairly high level in the echelons. You come in from outside and you probably start at the bottom. There is not much mixing or give and take in that particular regard.

The second thing about the police is that they are fairly inbred in the sense that you start as a rookie and you climb to the top of the ladder by slow degrees so that your whole habituation is within a very narrow circle and almost some kind of subculture is brought about.

That certainly is not good; and what the report says here in this particular regard is that they simply have to branch out:

We consider that there should be greater involvement in police training programmes of social and behavioural scientists, judges, magistrates, criminologists, correction workers and lawyers. The exposure to the thinking of other professional groups and the resulting dialogue will promote effective law enforcement by the utilization of the resources of the behavioural sciences and the developing of better understanding of the role of the police, the courts and the correctional agencies in the entire criminal process.

One of the problems with policemen, partially induced by the level of training, partially by educational standards, partially by the failure to bring to bear the wider professional and social values that are involved, is a feeling on the part of many policemen that the public fail to realize the difficulties of the job that they have given to them. In this particular regard, you and I fail, too, because so long as we perpetuate obsolete, unpopular, and I would say in some instances stupid laws—as in our liquor laws, or somebody wants to purchase a lottery ticket—this brings him into collision with the whole apparatus of the criminal courts, this sort of thing that the policeman cannot be held responsible for. You and I do not suffer much abuse because of it, but it is the policeman who makes the arrest on the spot who gets the abuse from the citizenry. If we want our police forces to operate in good

relationships with the public at large, we will just have to amend these laws. You cannot have them enforcing laws which are that deeply against the mores of society.

To that extent we are responsible for a certain amount of hostility that may exist in the populace with respect to the police.

One of the curious things that has occurred—perhaps the Attorney General would look into it—is a tendency in later years toward the revival of an old institution, and that is of the private police force. More and more industries are not only acquiring their own police forces, they are expanding their own police forces, rather than using the public police as the chief, if not the sole, vehicle by which police work is done.

My friend from Riverdale again had a few wry words to say a few days ago in the Legislature about being approached by a policeman who, apparently, was a policeman, dressed up in a uniform, who had no authority in this particular regard at all. This is an increasing phenomenon, partially because, I suspect, of this malaise that has grown up between the general public and the police. Employers very often would rather have their own forces than to be placed in that particular position.

In the course of doing a little work, which is thoroughly inadequate of course, Mr. Chairman, on this business of the philosophy of the police, I had occasion to pick up from the library the staff report to the National Commission on the Causes and Prevention of Violence of which Milton Eisenhower was the chairman, if that carries any weight with you, and which was presented to the President of the United States. It discussed the whole role and function in several volumes, and I will not of course attempt to go through very much of it. This is the report that seems to me very often quoted without putting quotation marks around it, and this is the conclusion of the volumes:

We find that the policeman in America is overworked, undertrained, underpaid and undereducated. These difficulties are compounded by a view expounded by all law enforcement levels from the director of the Federal Bureau of Investigation to the patrolman on the beat. This view gives little consideration to the effects of such social factors as poverty and discrimination and virtually ignores the possibility of legitimate social discontent.

Typically, it attributes mass protest instead to a conspiracy promulgated by

agitators, often communists, who misdirect otherwise contented people. This view, disproved so many times by scholars from distinguished commissions, tends to set the police against dissident groups however lawful. Given their social role and their view, the police have become increasingly frustrated, alienated and angry. Their feelings are being expressed in their growing militancy and political activism.

You know the forms that it takes in Boston and New York and in many jurisdictions. Nothing approached the police in Los Angeles during the last presidential campaign—the previous one. They had Barry Goldwater stickers all over the cars and things of that kind and would broadcast “vote for so and so” on the police radio and they were very militant in this particular regard.

Moreover, this police militancy is hostile to the aspirations of other dissident groups. Police view students, the antiwar protesters and blacks as a danger to our political system, and racial prejudice pervades the police attitude.

This is the American situation of course.

No government institution appears so deficient in its understanding of the constructive role of dissent in a constitutional democracy as the police. The police violence during the national democratic convention in Chicago was not a unique phenomenon.

We have found numerous instances where violence has been initiated or exacerbated by police actions or attitudes. Such police violence is the antithesis of both law and order.

The first step is a thorough appraisal by The Department of Justice of the role played by the federal government in the development of the current police feeling toward protest and protesters. This will require several efforts, including examining and evaluating literature distributed by the federal government, the local police agencies and examining all programmes sponsored by the government for the education of the police. Moreover an attempt should be made to create an enlightened curriculum for police training concerning the role of political activity, demonstration and protest in a constitutional democracy.

There are many more things in here that can be mentioned, but without prolonging the matter it does seem to me to come down hard and finally upon the nature and degree of police training.

Mr. Bullbrook: Is that by Ramsay Clark?

Mr. Lawlor: I beg your pardon?

Mr. Bullbrook: Is that by Ramsay Clark?

Mr. J. Renwick: Skolnick!

Mr. Lawlor: By Skolnick. Jerome Skolnick.

Hon. Mr. Wishart: That is the Eisenhower commission.

Mr. Lawlor: It is under the general supervision of—just to bear this point out, I would have the Attorney General or one of his aides at some time in the future, look through the U.S. Federal Bureau of Investigation documents which were issued by J. Edgar Hoover on the prevention and control of mobs and riots. While there is much of value in here and there is considerable study made of crowd behaviour and—

Interjections by hon. members.

Mr. Lawlor: Yes, and what happens again in this? It bears out that there is a constant reverberation of the theme that only a very few dissident people are the ones responsible for all this. It is what they call in here "The rotten apple in the barrel theory"; where everything is done by way of a conspiracy.

Hon. Mr. Wishart: Does the hon. member—he says "read that"; I probably have read it—we have had a study of crowd control; we have done studies of our own in this country. Does the hon. member really think that the methods there or even the comments in the Eisenhower report, if I may call it that, I do not think really, to a great measure at least, they relate to our situation. I do not think that the methods that are used in the United States—

Mr. Lawlor: That is what the Attorney General said—

Hon. Mr. Wishart: Do you not think that is true?

Mr. Lawlor: I think we are a far gentler people. I think we are a people who are, because of the cold that we suffer from, somewhat gelate you know and paralyzed in some ways and a more reserved people on the whole.

Nevertheless, student demonstrations are always breaking out. And they are not just students. Many mature individuals are engaged in these demonstrations which are a

spillover from the United States; and to some extent the same attitudes, the same kind of motivation—

Hon. Mr. Wishart: At least let me ask if you are not advocating that we use the methods, certainly some of the methods, that were used in Chicago and even some by the FBI?

Mr. Lawlor: Quite the contrary. But here the FBI, the methods proposed by them, are altogether—

Hon. Mr. Wishart: Yes, they are different.

Mr. Lawlor:—civilized, at least, as they are set forth on paper. I mean they do not even want to use police dogs, but this is a quasi-military operation the way they arrange their forces and form their wedges.

There is not much about horses in here, and I will come to horses in a minute on the University Avenue demonstration. It is somewhat questionable, it seems to me, this particular use of animals.

I say there is nothing wrong with the report from that point of view, in my opinion; it is just that there is an undertone and not too much of an undertone of the conspiracy theory. It is a group of bad apples that are doing all this and if you can search them out, identify them and truncheon them a bit, you could break up this mob pretty quickly.

These people are spoilers anyhow. They have no really legitimate beefs. They are anarchistic in that they want to destroy society.

Well if you start from that premise, you are going to have an enormously hostile view and your approach to any organized gathering of individuals is sure to be aggressive. I do not think it ought to be, at least in this issue until the first moves are made by the individuals in that group.

By and large, these demonstrations are eminently peaceful. By and large, the demonstrations in the United States are peaceful. Demonstrations have become a way of life in both countries and the way in which they are handled up to this point—our record has not been altogether commendable in the handling of them, but nothing approaching the savagery and the stupidity of the police in the United States.

Curiously enough, in the presidential report the Boston police are the most highly trained, the least prejudiced on polls taken. Twenty-five per cent of the Chicago police force are Negroes.

Hon. Mr. Wishart: Boston?

Mr. Lawlor: No. Chicago.

Hon. Mr. Wishart: Oh, I thought you said Boston.

Mr. Lawlor: No. No. I meant Chicago all the way through here.

Chicago was one of the better police forces. As a matter of fact, it was rated the best of all the police forces and this is where it happens, you know, in a very bad way.

The point of this has to do—I do not think I take severe issue, at least this is not my thrust today—with the pay scales of the police. A first class constable gets \$10,115 a year on the Metro police force. A third class constable, \$8,751 per annum—that is a starting salary—and they have to get 65 per cent or better in an exam to qualify to become a sergeant, and then it simply means that they are eligible, but promotion depends on other matters.

In becoming a member of either the Metro Toronto police or of the OPP, no psychological tests whatsoever are required or involved. I think a hard look should be taken at that insofar as there is a tendency when people are placed in positions of high authority, particularly if there is an adequate educational conditioning or background, to lord it a little bit, to take a sense of prestige and to be affronted when their dictums are called into question. If there is anything that is taught and learned throughout the whole of these many books that I have in front of me about police, it is that they must not allow themselves, under any circumstance, to be provoked or to become angry.

Hon. Mr. Wishart: What is the value of the psychological tests? Over against the background of the man's employment and the interview that he goes through and the tests that he goes through there? How would you rate those tests?

Mr. Lawlor: If there were a test?

Hon. Mr. Wishart: If there were a test.

Mr. Lawlor: If there were a test, I think you might be able to detect whether there was any sadistic strain, as to whether a man had as his motivation for entering the police force, not just in terms of sadism or a kind of cruelty inflicted upon others, an enjoyment—

Hon. Mr. Wishart: Would he not tell you that in an interview?

Mr. Lawlor: I think the tests might get to it. That would be the sort of thing, or whether he has an authoritarian bent in his nature. Leaving sadism out of it, he just likes to take advantage of others in the sense of imposing himself and unnecessarily causing irritation. These qualities in a man would not be conducive, I think you will agree, to good public relations.

Hon. Mr. Wishart: I am just wondering. My question is: Do they come out properly and clearly in the psychological tests as opposed to the time spent with them, perhaps half an hour going into his background, grilling him, getting his answers to certain questions.

Mr. Lawlor: I am inclined to think so, yes. You are going to do the other anyhow, but the tests may be the basis, upon a further conversation, and they would give you leads as to his general mentality, the way he regarded his attitude towards the public generally, his attitudes towards himself, his own life. All these things would be of some value in the subsequent conversations as to his role as a policeman.

There is an awful lot, without the tests, I just want to bring to your attention, Mr. Chairman. Of the cadets, the last batch of cadets, there were 71. Twenty-seven, quite a number you know, either failed or left of their own accord. I would like to know in Metro Toronto—

Hon. Mr. Wishart: Over what period?

Mr. Lawlor: This is a report supplied to me by Detective Sergeant Gilbert, superintendent of employment. Cadets of last batch of 71; 44 became third-class constables; 27 either failed or left of their own accord.

One of the phenomena in the United States, which is not duplicated here at all, are the mass resignations and retirements in the American police forces. They cannot maintain their strengths in most of the major cities in the United States. That is not true here; only very few. Out of 300 or more, only nine retired after 25 years service or took an early retirement.

So in our situation we are still far from being, powerless, as in many cases down there. But I think our job as legislators is to forfend against what can be an eroding fact which I detect as operating presently in a peripheral way, gnawing at our own vitals in this jurisdiction.

Now what kind of training do they get? This is the metropolitan police. I will re-

serve my comments, I think, on the provincial police force until we come to it.

Mr. Singer: Under police reform?

Mr. Lawlor: Well, I think maybe I had better do both.

Mr. Singer: Nobody has provoked you.

Mr. Lawlor: I will not go on at great length like I am doing here at the moment.

Inspector Reed of the Toronto police college, in charge of cadet recruitments and service training at the Metro police college, gave me this information.

The crowd control training is mainly for the Santa Claus parade, and amounts only to a couple of hours during the training periods at the Metro college, which is a four week training course. Then there is some training of 12 weeks at the Ontario Police College and this includes a bit of crowd psychology and not much riot drill.

Mr. Singer: Do you think there should be more riot drill?

Mr. Lawlor: More riot drill?

Mr. Singer: Yes.

Mr. Lawlor: I would not put it in terms of riot. I would say crowd control.

Mr. Singer: Your colleague, the member for Riverdale, spoke for hours at one time saying because there was a course called "riot drill" that this was terrible. Spoke for hours and hours.

Mr. J. Renwick: No. It only seemed like that.

Mr. Singer: Unfortunately so!

Mr. J. Renwick: I just wanted to know how many of the Toronto crowd control officers observed the Chicago Santa Claus parade in the course of their—

Mr. Singer: No, no.

Mr. Chairman: I wish you two would get together and discuss what he is going to do. Order please!

The member for Lakeshore.

Mr. Lawlor: Particularly in private, we never disagree.

While the in-service training for crowd control is a couple of hours—

Hon. Mr. Wishart: Two weeks.

Mr. Lawlor: —it is fairly inadequate under present conditions.

Hon. Mr. Wishart: One week at the Ontario college.

Mr. Lawlor: Well let me just finish the Metro police.

In the Metro police, there is an emergency task force of about 50 men who are trained for special duties and strikes and demonstrations. We could not discover how much time was involved. It depends, we found out, on how busy Inspector Mugahay is. Inspector Walter Mugahay is in charge of the unit. I was interested to know to what extent Mugahay—

Mr. J. Renwick: He spends a lot of time at this.

Mr. Lawlor: I was interested to see to what extent—he knows how to pronounce the man's name, I do not—I was interested to what extent they were sending officers down for study in the United States to learn the riot control training that they taught there. Not because I was enamoured with that training as it is carried out in the United States, but just to see to what extent attitudes were borrowed.

Apart from three or four officers, senior officers on the staff, there is not a great deal done in this particular way. However, the role those officers play in the training of the policeman might be very interesting. If they are exposed to a Professor Inbough of Northwestern University, the position Professor Inbough teaches—he is director of the Chicago Police Scientific Crime Protection Laboratory—his attitude is an atrocity, the worst possible attitude. He summarized his position in the following proposition:

Many criminal cases, even when investigated by the best qualified police departments, are capable of solution only by means of an admission or confession from the guilty individual or upon the basis of information obtained from questioning other criminal suspects.

So he is one of those confession men and not beyond, I suppose—he does not qualify it in any way—third-degree methods in the process.

In dealing with criminal offenders and consequently also with criminal suspects who may actually be innocent, the interrogator must of necessity employ less refined methods than are ordinarily appropriate for the transaction of ordinary

everyday affairs by and between law abiding.

Less refined methods—is that not pleasant?

To the extent then that they are exposed to the Northwestern University, Lord help all of us. Deputy Chief Ackroyd made a visit to Chicago. He attended not Northwestern but the third national symposium on law enforcement science and technology in which there was one session on riot control. I will mention the position of the OPP under this particular head.

Mr. Singer: One of your finest four-hour speeches and now the member for Lakeshore is tearing it all apart.

Mr. Lawlor: As far as crowd control training is concerned, the director of the OPP college receives at least one period of crowd control training—no riot control training at all—each year. This amounts to at least one day a year. There is no specific period during training of recruits and cadets. He made no comment when I asked if police were sent to U.S. cities for riot control training. He referred my secretary to Deputy Commissioner Whitely who said that this did not happen.

Hon. Mr. Wishart: Whose report is that?

Mr. Lawlor: Oh that is my secretary.

Hon. Mr. Wishart: One you obtained.

Mr. Lawlor: The way scales are set forth here and the fact that all cadets have to have Grade 12 education one cannot say what the academic equivalent would be of the police exams. They cover a wide range of subjects, not sociology—questions such as, “Was Brahms a baseball player or a musician?”, “In what circumstances would you use the word ‘strike’?” Designed to find out if they are living in the real world.

Hon. Mr. Wishart: Is that part psychological?

Mr. Lawlor: No psychological test. I know Brahms had a depressive time of it.

Hon. Mr. Wishart: He wrote a lullaby anyway.

Mr. Lawlor: He is training in Ontario. Well let us come to our own fair city, in our own fair province to some extent. I am looking at the Toronto *Daily Star* for Monday, May 11.

Hon. Mr. Wishart: How do you read it? It is upside down on this side.

Mr. Lawlor: All right. I will pull myself together by standing on my head and reading it!

Crothers—he is our civilian review boy and I suppose you would call him the citizen representative *par excellence*—called it a communist plot and added we have our resident FBI agent in the city who could help map out this thing clearly and coolly.

If this is the case, I would like to know from the Attorney General, Mr. Chairman, why would the FBI agent be in our city. What status did he have in this city? Who or whom invited him or them and what role, if any, did they play during the course of the demonstration?

It perplexes me, if not affronts me somewhat, to have that sort of statement made—that we have our resident FBI agent in the city—by a man who sits on the police commission of this city. That is a piece of effrontery I think the Legislature should be deeply interested in. I just want to revert again for a moment, if I can find it, to what the President’s committee had to say about the communist plots that we have all around us, which as far as I am concerned just do not exist.

The President’s report says, “We reject this view—”. Well, this is more recently the prestigious Cox commission which was headed by the Solicitor General of the United States and investigated last spring’s Columbia disturbances report:

—and we rejected the inquiry that describes the April-May disturbances primarily to conspirators of student revolutionaries. That demonology is no less false than the naïve radical doctrine that attributes all wars, radical injustices and poverties to the machinations of the capitalist and militarist establishment.

I do not know about the last part of it, but the former part of his statement has a great deal of relevance.

Supplementary to many of the problems of police, definition and identification of leftists is a special vision of the role that such persons play. Just as the presence of police and newsmen at the scene of a protest does not mean they are leaders, so the presence of a handful of radicals should not necessarily lead one to conclude that they are leading the protest movement.

They go on to the Verne Commission and the other ones to say that these so-called leaders, this little handful of radicals, can-

not rule a crowd or have no particular persuasive powers over them at all unless the individuals in the crowd themselves wish to engage.

In other words, these leaders are followers. Leadership remained relatively constant in the cause for support and even then had serious internal disputes, but the students gave and renewed their support independently, based on events as they happened.

It would be a shame to see the encircling and aggravating levels of reciprocal suspicion and animosity, not understanding that it is brought about by an improper approach and improper police methods; and in a failure to give greater weight to this whole problem of the relationship between police and citizenry than has thus far been given in the province of Ontario.

As the FBI statement says, some people seem to feel that hostility and conflict between groups can be eliminated by having a good fight and getting it over with. Psychologically this is definitely the opposite of the actual fact.

So conflicts do not eliminate the source of frustration which produces the hostility in the first place. Regardless of the outcome of the inter-group violence, both sides come out of the action with increased hatred and with solidified, hostile attitudes. They see each other as greater threats than ever before. Engaging in open violence actually increases the hostility and lays the groundwork for further troubles the next time an encounter takes place; for example if the police have run their horses into the crowd or have acted in a way that is considered unjustified in the circumstances.

This is all saved up and it is saved up by both parties and this dreadful circle of aggression must be broken. And it is the role of the Attorney General of this province, in consort with his chiefs of police, to do so. And as I said, with Adamson I think you have a quality of goodwill there, a willingness to become aware of these things and to bring them to pass.

Just one final thing as to police-community relations. The police must be prepared to receive and discuss communications from the public. Sincere criticism, even when unfounded, must not be confused with an attack upon the police or an indication of an anti-police attitude. The police must be prepared to meet and discuss the grievances, real or alleged, of particular hostile groups; and even to initiate communication with these groups.

Many police officers play a highly commendable role, working in off-duty hours with youth groups, boys' clubs, providing recreation for under-privileged boys. But they think that has to be extended and given greater scope in the community, and not just involve boys but people who are hostile over certain incidents—as in the Nobrega community. We all know that policemen dressed in mufti do go down to Yorkville and seek to set up some kind of liaison and understanding with the young people. Chief Adamson is doing this. It is a great step forward in public relations.

Hon. Mr. Wishart: You spoke of crowd control. You spoke of your discussion panel with Chief Adamson and you said you were going to speak about horses. First of all, do you think people do resent the policeman mounted on a horse? I wonder what your thought is on that?

Mr. Lawlor: Frightens the hell out of you.

Hon. Mr. Wishart: The horse? Well, not if you are used to horses. What does Chief Adamson have to say on that?

Mr. Lawlor: Well Chief Adamson said they will be used again if necessary—no hesitation about that. I am looking at the *Toronto Telegram* of May 11 in this incident. Alderman Karl Jaffary, who was also in the demonstration at the consulate, said:

From what I could see, the trouble really started when the police moved in with the horses. Until then it was tense but there were plenty of demonstrators who shouted: "More pay for cops", in an attempt to get them smiling. Then the horses moved in and I think that was a mistake. The police were frightened.

Mrs. Helen Broder, who ran for aldermanic office in Toronto's last civil election, said she participated in the protest with her daughter Gretchen, 17. "There was no real problem until the horses moved in," she said. "The crowd became frightened and the violence I saw were cases of young people reacting to something the police had done. They started to call the police names."

And it goes on in that particular vein.

Psychologist Donald Weis who was with the crowd at the consulate agreed. "It started out quite peacefully but it became ugly because of the ignorance of the police about crowd behaviour."

He said that since the demonstrators were where the demonstration was allowed they should have been given room, but the police would not let the demonstrators on the road and then ordered them off the sidewalk.

Just one little thing about that—at the university. Somewhere the inspector in charge at that time said that the other people had rights, too, and that the traffic coming up University Avenue that Saturday afternoon—

I believe he said the southbound—was being impeded.

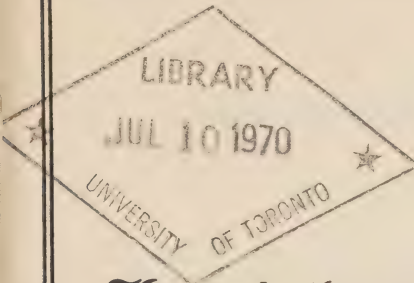
Now really, if you have got a crowd of 5,000 people, what has precedence in any common sense disposition of the crowd control?

Mr. Chairman: Gentlemen, we will have to adjourn for the bells in the House. We will reconvene at 8 o'clock.

The committee recessed at 5.50 o'clock, p.m.







Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Monday, June 22, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

MONDAY, JUNE 22, 1970

The committee resumed at 8 o'clock p.m. in committee room No. 1; Mr. A. K. Meen in the Chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (continued)

Mr. Chairman: Gentlemen, I will call the meeting to order.

Are there any changes in the substitutions from either of the opposition parties?

I have one addition in the replacement of Mr. Reilly, who is unavoidably detained to-night, by Mr. Gilbertson. Subject to that our substitutions are the same as this afternoon.

When we adjourned at 6 o'clock the member for Lakeshore had the floor.

On vote 911.

Mr. P. D. Lawlor (Lakeshore): Sometimes, Mr. Chairman, in the most undemocratic spirit, I sometimes think you should just leave Singer and I here. We would get on with the job; get it cleaned up instead of all these interjections, interlopers from the outside.

Mr. Chairman: I think there are some members who have a rather different opinion of this.

Mr. Lawlor: Perhaps that is not being fair to the other members of the House, so maybe we should go up and argue with the legislation tonight, and let them take over.

Mr. Chairman, as we left off—you will be pleased to learn I cannot stand the sound of my own voice, and to that extent I have not much more to say on this subject—but I say to the Attorney General that in my opinion this will be his increasing hairshirt of a problem. Far from receding and dying out, this, I would anticipate, will be a mounting, ever-increasing chore and burden to you, sir. You must draw your guidelines—as soon as you take your pivotal points—as to which side of the fence you are going to fall on, substantially with respect to civil liberties. The decision you take in the next few months, you will be driven to in respect of these

matters. And the decisions you have taken thus far, touching tear gas and matters of that kind—whatever other name tear gas is known as—are minimal and quite insignificant, as compared to the monumental problems in terms of crowd control, protest marches, individuals congregating in large crowds. To maintain and to support that fundamental right, coterminous with the needs of the peaceful and harmonious community, will test every bit of your valour, every bit of your acuity and acumen as the chief law officer of this province. I do not envy you in the task.

My remarks have been directed to this problem—I would trust that you would not interpret them, or feel that I meant them as any attack upon the police forces as such.

The problem is one of making all elements of the community sensitive and responsive to the needs of the others; and for one party to take a belligerent stand over against the other, as I said, only breeds a circle of hate, which will destroy the society, perhaps ours long after that to the south. But the mounting tensions must be appeased, and the sooner we get our minds working in this particular area the better it will be.

I added, as we left, just a couple of remarks about that University Avenue situation. I was saying that the plea of the police that the roadway must be cleared of thousands of people simply because it was blocking traffic, seemed to me to lack a sense of proportion. In circumstances of that kind, surely the pedestrian has a right to be on the roadway up to a point. But when there are many pedestrians on the roadway and it is going to cause an altercation—violence, bloodshed, people who otherwise would not have criminal records being paraded before the courts—if that is the thing, surely common sense should be paid to the cordoning off of the highway for a brief time, or for whatever time is necessary to have the people dispersed. This would be the path of intelligence. This was not done in this case. Again it indicates a certain lack of insight and training, which is so crucial to instruction and to education, to make people aware; and

in this particular context it would be to make the police aware.

The other thing I want to take a little issue with, and some umbrage, is police taking photographs of individuals, either on picket lines, as in the Honeywell case where our caucus went, or in the case of this demonstration before the American consulate.

It says in the President's report on this, that they take pictures in order to destroy the anonymity of the crowd. People hiding behind other people, in effect lost in the crowd, can do things they would not otherwise do as individuals. I also think that for us who cannot get lost in our anonymity—who would like to on occasion—that the taking of pictures is a deliberate attempt to intimidate. By what right do the police forces mount cameras on top of trucks and take pictures of individuals performing a perfectly legal function, and not in any way endangering the civil peace? This is as far as I am concerned, a breach of one's fundamental privacy and liberty of assembly and to protest.

I think that unless some real altercation takes place or riotous proceedings ensue, the pictures ought not to be taken and the police should be instructed not so to do.

Mr. J. E. Bullbrook (Sarnia): Are you saying that the taking of a picture by a policeman at a gathering is an invasion of fundamental privacy?

Mr. Lawlor: I am saying that it is an attempt at intimidation.

Mr. Bullbrook: You said an invasion of fundamental privacy.

Mr. Lawlor: That is it is an invasion of my right not to have my picture taken unless there is good reason so to take it.

Mr. Bullbrook: Do you have a right not to have your picture taken?

Mr. Lawlor: Well there is no defined right. Our law is pretty backward in all these things.

Mr. V. M. Singer (Downsview): Do you have a right not to have your speech recorded?

Mr. Bullbrook: There is a tendency to go too far, that is the problem, and I think—

Mr. Lawlor: I think whenever I go to meetings and they bring a tape recorder, they always have the decency to ask me if I—

Mr. Singer: Oh, come on!

Mr. Lawlor: I could not care less particularly what they do—

Mr. Singer: Surely the analogy of situations—

Mr. Lawlor: —but I think that some peace speakers very well may not want their speeches to be taped.

Mr. Singer: Well then, why do they make them in public?

Mr. Lawlor: They are perfectly justified in saying that they do not want them taken down, and they should have the courtesy to ask them before they take them.

Mr. Singer: Then you do not go to a public meeting. There might be some merit in your comment that it is an intimidation—

Mr. Lawlor: I think even in public there should be courtesy—

Mr. Singer: —but it surely cannot be an invasion of fundamental rights? It might be an intimidation; right, that is a subjective evaluation. But an invasion of fundamental rights, not to have your picture taken in public?

Mr. Lawlor: Let us stop and fool with the word "fundamental."

Mr. Singer: Well you used it, this is why I interjected.

Mr. Lawlor: I think that the taking of a picture without consent is an invasion of privacy.

I would refer the Attorney General to the excellent articles contained in the *Atlantic* special supplement of March, 1969, particularly the article on the efforts made in terms of community relations by Chief Reddin of the Los Angeles police. When he came into office three years ago he supplanted a real caveman, who was largely responsible for and very little capable of coping with the Watts riots.

Well Reddin, while using good sense and great balance, has nevertheless introduced all kinds of reforms into the operations and the relations of the police to the public. Not the least of which, curiously enough—even in that great city, with all its superhighways—was to put the policemen back on the beat, at least in some areas, so that there would be a sense of identity there.

What I sought to do is give a bit—a rambling bit—of insight into some kind of philosophy of the police, as to what role they

should play, and what we should try to invite them to do, what we should aid them in doing, what we should ourselves be aware of in order to make their job truly effective so that we in this province do not encounter the sort of things we see every night on our television, and read all the time in the newspapers. We need not invite that; to sit passive and to take little cognizance of it will invite similar occurrences and that would be tragic. I thought it was worthwhile making these rather lengthy remarks on this head. Thank you, Mr. Chairman.

Mr. Chairman: The member for Samia.

Mr. Bullbrook: I am sorry, sir, I did not realize that you had me on your list next. I recognize that we have taken a long time on this vote, but frankly, I want to record that I had purposely not spoken on many other votes because I wanted to speak at some length on this vote, and some of it might be reiteration of my comments this afternoon.

But notwithstanding that, I want to record during these estimates the fact that in my opinion during the past legislative session that now draws to a close, we were involved in what I considered a very significant departure from tradition and a justifiable concept in the Muskoka bill—that was the twofold enfolding of the abolition of a police commission in a municipal area, accompanied by the beginning of policing by a centrally-controlled authority.

Now I want to say succinctly that there was some validity in the argument put forward by the government for the necessity to police the area by the OPP because of the geographic consequences and because of the comments made by Mr. Paterson in his evaluation of need. However that, accompanied by the abolition of the police commission, could lead to, in my respectful opinion, significant consequences.

I spoke at length on this, and I recognize that we have certain rules in connection with reiteration, but I want to point out that during this afternoon's debate, the Attorney General seemed to be significantly aware of the comments that it should be free from political direction made in 1961 by the Legislature in establishing the Ontario Police Commission.

I want to record again, not only on behalf of myself, but I am authorized to record it on behalf of this party, that we disassociate ourselves absolutely, unequivocally and entirely, from the concept that the direction

of police forces in this province should be outside of political control.

Mr. Singer: Hear, hear!

Mr. Bullbrook: Political control of police forces is absolutely mandatory and basically that is what the hon. member for Lakeshore was talking about. I do not want ever to be involved with police as an instrument of government intention as far as partisan consequences are concerned.

We have made that clear. It is not necessary that I say that again.

But Dr. Fyfe, when he evaluated this particular concept in his report in connection with the Kitchener-Waterloo regional government, said "the justification for having a commission is presumably to keep the police out of politics, but substituting for a group of elected politicians a number of citizens appointed by politicians surely meets the issue only half way."

I put this to you for your consideration, Mr. Chairman.

Mr. Singer: Hear, hear!

Mr. Bullbrook: There never has been in my respectful opinion a more naive rationalization of the whole consequences of the direction of our police forces by appointed people than by saying that we must keep politics away from the police.

You see, the structure of our local police commissions is basically the provincial judge, the county court judge and the mayor. One-third of that commission is elected. The other two-thirds are appointed. The realities of life are that they are appointed by politicians.

Whether you like it or not, the person who appoints and who has the ultimate responsibility under our system for provincial judges in this province is the Minister of Justice, and he is a politician. And the person who has the ultimate responsibility for the appointment of our county court judges is the Minister of Justice for Canada, and he is a politician.

So to make the statement that we must keep police control and direction away from politics almost borders on being naively stupid, and I choose those words recognizing that they are extreme, but not rash, and not appropriating them to the individual who graces the position presently, but rather appropriating them to a government policy.

Because this is what we are dealing with; we are dealing with government policy as enunciated by the Minister of Justice of

Ontario, and I just turn completely out of hand the continued comments by this government, Mr. Chairman, that police commissions must be removed from politics.

First of all, they should not be removed from politics in the true sense of the word. Secondly, they are not removed from politics. To attempt to rationalize that the members of the Ontario Police Commission got there because of some heavenly aegis is ridiculous.

They were appointed by politicians. Certainly they were.

Mr. Crothers did not in any sense of the word, either in his talent or his background, ever show any superior inclination towards the office that he holds over many other people. His was a political appointment. I am not saying a partisan appointment, I do not know that. But his was a political appointment.

If the government was changed tomorrow and my colleague from Lakeshore was called upon to take this high office, he would have to take the appointment and it would be a political appointment.

So the point I want to convey on behalf of this side, the Liberal side of the House, is that we do not for one moment accept this attitude that the control of police must be removed from politics. The fact of the matter is that we say, unequivocally as we have said for years now, and we said until twenty minutes to four on the night of June 19, 1969, that the police must be controlled by politicians.

I made the comment during the course of that bill, that the police are a quasi-military organization—and as far as I am concerned they are a quasi-military organization, because basically a quasi-military organization is a group of people vested with the power to use force under law; that is all it is—the power to use force under law, because that is basically what the military concept is; it is the power to direct forces under law. I suggest to you that this really is what the police are. And any military group under our democratic process, or quasi-military group, must always be subject to civilian control. It is inherent in our very sense of responsible government.

I want to record again, on behalf of our party, the following concept. That is, we believe that there should be no public endeavour that is not subject under our system of responsible government to legislative review. That is basically the concept that we have. We believe, inherent in that, that for the sake of the state we must accept the

word of a minister of the Crown that it is in the best interests of the state not to disclose information.

It is more apparent, as I said this afternoon, Mr. Chairman, in the federal sphere than it is in the provincial sphere, but in any sphere, those elected people who form government at the will of the public and at their direction, must be able to say that they do not feel at the present time it is in the best interests of the state to disclose information.

Mr. M. Shulman (High Park): What sort of an example would you give us?

Mr. Bullbrook: Well, I am giving you an example in the federal field.

Mr. Shulman: All right; but where in the provincial?

Mr. Bullbrook: Right now, I suggest to you that there might well be one. We were talking this afternoon of regulations; I am prepared to accept the word of the Attorney General of Ontario that there are regulations presently in existence of the Metropolitan Toronto police, the board of police commissioners, which are in the best interests of the public not to disclose. Now wait, let me finish. In this respect, you see, I must accept his word, Mr. Chairman.

Mr. Shulman: But what example could you give?

Mr. Bullbrook: Well, I cannot give you an example.

Mr. Shulman: And I cannot think of one.

Mr. Bullbrook: I am not the Attorney General of Ontario. Do you follow me? Under our system of responsible government, Mr. Chairman, this is the essential point, he is responsible for making the statement. If the statement is wrong, then he is called upon to resign his office. That is inherent in our system. Surely to goodness the democratic process does not call upon us the right to know everything that goes on in government? Goodness gracious, it is absolutely inherent in the cabinet process that there must be cabinet secrets.

Mr. Shulman: But not police secrets.

Mr. Bullbrook: Now just one moment. I am just saying this—perhaps I am not conveying it properly and if I am not, I invite you to correct me—I am saying basically that the Attorney General is responsible. This is our system of responsible government, and I want to dwell upon this for a moment.

You see, inherent in the system of responsible government is the fact that if he makes a mistake, he must leave that office. He must leave that office, absolutely.

Mr. Shulman: He should leave that office.

Mr. Bullbrook: If he is a man of the stature, for example, of the incumbent, he would leave that office, right? There are times that he must say to the Legislature or the House: "I deem that it is in the best interest of the state not to disclose that information."

Well, the hon. member for High Park and I completely disagree so it is on the record. But I wanted to give you the Liberal attitude in this connection. I am sure the member for Downsview will correct me if I am not giving the Liberal attitude.

Basically, our attitude then is—for the sake of complete clarification—that we subscribe to the right of the Attorney General to say to us: "In my opinion, these matters are of sufficient consequence and for the security of the public and society at large, I am sorry I cannot disclose that information." And then we sit down and we shut up. This is exactly what we do, because we respect his right and his concurrent responsibility to say that.

Now we are caught in the dilemma—we in the Liberal Party—that when the Attorney General of this province says: "I have no responsibility"; that is when we are really caught. Because if you follow our philosophy through and if there is any validity to it, then of course there must be knowledge on the part of the Attorney General and concurrent responsibility for direction.

We just cannot subscribe to comments such as have been made this afternoon and have been made in the past by the Attorney General, representing government policy, that: "It is not within my departmental responsibility or purview."

To hearken back to the enunciation of policy as exemplified in 1961 is no answer to me. I say again, Mr. Chairman, as I said this afternoon, I thought we changed that and I hope we have changed it. I hope the words that I speak now go some way towards conveying to the government now that we understood that those words, small as they may have seemed, were so tremendously significant to us and those words were subject to the approval of the Attorney General.

Those words just did not convey the question to me of armament control by the Ontario Police Commission. They conveyed to me—and I am sure I can say without

reservation they conveyed to my deputy leader and they certainly conveyed to my leader, because I recall that night very vividly—the member for Riverdale was absolutely wrong in his recollection. The change that was made was brought to the attention of the opposition later than two o'clock in the morning. It had nothing to do with committee at all.

Hon. A. A. Wishart (Minister of Justice and Attorney General): That does not make him wrong.

Mr. Bullbrook: Well when you say it does not make him wrong I say this—if you permit, because of the interjection—there is a great quality in the Attorney General to agree with people who are defending his position. Basically this afternoon, of course, the member for Riverdale never did take a position on it. He never did. Essentially what he was saying was that: "I do not know what the answer is". And when you are able to say "I do not know what the answer is," you can be a friend to everyone; there is no doubt about that. We say that the answer is—

Mr. J. Renwick (Riverdale): You can also be over simplistic about difficult problems.

Mr. Bullbrook: If you—

Mr. J. Renwick: You are being very simplistic, that is all. The member for Sarnia has been riding this horse and he knows it is not a tenable one, yet he insists on riding it.

Mr. Bullbrook: Be it untenable or not, I am going to choose to accept it because basically what is so untenable, what we are saying is that we believe that the Attorney General of the province of Ontario, as really has been enunciated in the statutes, is responsible for the enforcement of law and all the peripheral matters. All of them! There is not a matter involving the enforcement of law in the province of Ontario where ultimately the public of Ontario cannot say to the Attorney General: "We want an answer from you." And subject to those matters that I mentioned before, he should be prepared to give answers.

Now if that is simplistic, so be it. If you want, if we must involve ourselves in a more esoteric or more complicated view of the situation, that is fine. I just say this is our view over here. We do not think it is an unduly progressive view; we think it is a reasonable view, a direct view. I say there is a tendency sometimes to unfortunately make things more complicated than they

seem. The member for Riverdale was not here when I quoted from Dr. Fyfe, you see. This business of politics substituting elected people for appointed people—they are all involving politicians in the life of the public. That is our attitude in this connection.

I want to take the opportunity of saying this, if I might, on this vote. If we presuppose that the Attorney General is correct, that the Metropolitan Toronto Police Commission and concurrently the local police commissions, are responsible and subject only as regards armament—right? Because this is basically what the Attorney General accepts now, that his only direction and approval now relates to armament—then they are basically responsible for the enforcement of law in the province of Ontario.

And I want to discuss the question of Mafia. We are going to get into it in the next vote and we are going to get into it significantly. But you know it is an unfortunate circumstance that for two weeks the people of Ontario have sat and listened and read about Mafia control of our police. I say this, that had I been the Attorney General, having regard to some of the insinuations and allegations that were made approximately two weeks ago by a member of the Legislature, then I would have requested this committee, Mr. Chairman, to immediately remove themselves to vote 912 and really let us get at the issue.

It is indeed unfortunate that the intervening two weeks could lead to confusion, to cartoons of the nature that have appeared in the *Toronto Daily Star*, which in effect would lead some people, who do not think, to the conclusion that perhaps not only are the police of this province governed by ulterior motivation or outside control, but perhaps the Legislature is. I say that we are going to get into this tonight, but I want to know now that we are on this vote, I want to know, when I read about five bakeries being bombed in the city of Toronto without any apparent excuse. I want to know if this is some conspiracy. I would like to know within the ability of the Attorney General to tell us, what are the police commissions doing in this connection, what liaison has his department with the police commissions in this connection?

I recognize, as I said before, that he might well have to say to me: "I am sorry, it is not in the public interest that I make mention of this"; and I am prepared to accept that. But I want to know.

I want to know also about what my colleague, the member for Downsview, brought

up and it was sloughed off by a comment in the House: "You would not want us to harass these people." I recall when he brought up this question of the betting shops, that the Attorney General—I think those were his words, exactly.

Mr. Singer: Right!

Mr. Bullbrook: You would not want us to harass these people. I wonder what the police commissions are doing if we consider this as harassment? It is within the public knowledge, almost now, that Mr. Taylor is removing his assets from this jurisdiction for reasons that are more germane to discuss under another vote or another department. But I would like to know what is happening to the Jockey Club; are you having a look at that? Because if ever there was an avenue of enterprise available to ill-gotten gains it is the Jockey Club.

I want to know what government policy is in connection with gambling. We have made our position clear as far as this party is concerned, in that gambling is something that has to be lived with. It is in existence and it is going to be in existence. Our attitude in this connection is that if it is going to be in existence, it has to be subject to total governmental control. It cannot be left to the individual entrepreneur or groups of entrepreneurs. It has got to be subject, as I say, directly to government control and the attitude of the people is this, basically; I am absolutely convinced of this.

If you will permit me to relate; I was addressing myself about six or seven weeks ago to a group of retired senior people in Sarnia and I said "What about this publicity in connection with a casino downtown that some individuals want to get involved in?" Their response amazed me. What they said in effect was, "If it will reduce our taxes, fine; go ahead with it". I do not know whether that is exemplary of the public attitude; I am inclined to think it is.

I am inclined to think that the majority of people are convinced, Mr. Chairman, that government costs so much now that they are prepared to accept any avenue of relief. Of course, one of the most magnificent, two-edged swords of relief is for the government to take over and control this type of gambling enterprise. It brings the needed revenues and brings some relief to these people and assures ourselves that we are not going to be involved with either individual entrepreneurs or conspiracies of criminal entrepreneurs. It should be run by government—

Mr. Lawlor: Take over and control? Do you mean take over and run?

Mr. Bullbrook: And run, yes. That is our attitude. We say that there is going to be gambling and we say that if you are going to permit off-track betting then it should be run by the state and by nobody else but the state. If you take the *Globe and Mail* editorial comment that was made what—eight or nine months ago—that the Jockey Club would be the vehicle, that is fine. I am prepared to accept that the present management and administration of the Jockey Club is fine, but what is going on now, with the removal of assets from the province of Ontario—

Hon. Mr. Wishart: Mr. Chairman, I wonder—I did not quite hear something about the Jockey Club being the vehicle; where was that?

Mr. Bullbrook: The *Globe and Mail* suggested to you, the *Globe and Mail* suggested to you, Mr. Attorney General, if you recall the history of this—

Hon. Mr. Wishart: That is all right, that is all I wanted to know.

Mr. Bullbrook: No, I would just like to record the history of this because I think I made the comment you were not only a mental gymnast, you were a physical gymnast because when this matter first came up, you were unequivocally opposed to off-track betting.

Hon. Mr. Wishart: I just wanted to be sure that I had never suggested the Jockey Club would be a vehicle.

Mr. Bullbrook: No. You had—

Hon. Mr. Wishart: I did not quite hear the hon. member.

Mr. Bullbrook: I want you to correct me if I am wrong. My recollection of it is, and I do not have the notes here, when the matter of off-track betting came up, you were opposed to it. You, personally, were opposed to it.

Hon. Mr. Wishart: Because it was against the law as set forth in the Code.

Mr. Bullbrook: You were opposed, as a matter of personal inclination, to the licensing of off-track betting. You were.

Hon. Mr. Wishart: Yes, and the way it is done. Yes.

Mr. Bullbrook: Approximately three weeks later, you were prepared to discuss the probability of off-track betting. Approximately three weeks later.

Hon. Mr. Wishart: I do not want to interrupt the hon. member.

Mr. Bullbrook: No. I am inviting you.

Hon. Mr. Wishart: Perhaps I had better let him make his point and then I can clear it up if he does not—

Mr. Bullbrook: The only reason I got into this was because—

Hon. Mr. Wishart:—state my position correctly, I will then state it myself.

Mr. Bullbrook: All right. I invite you if I misquote you—

Mr. Singer: There is always a first for the Attorney General and perhaps this time he will take a stand.

Mr. Bullbrook: I invite you to interrupt me now if I misquote you.

Mr. Chairman: Gentlemen, I think in the interest of some kind of continuity, the member for Sarnia should finish his comments and then perhaps we will hear from the Attorney General.

Mr. Bullbrook: Ordinarily I would be much more expeditious but I have given up that ghost. In fairness, I have really not taken up that much time in the estimates and I am going to take a little time.

The Attorney General, Mr. Chairman, interjects to me he wants to know who made that quote. I will tell you who made the quote; the *Globe and Mail* made it in an editorial. They said the Jockey Club should be the vehicle.

I say in that connection, that the Attorney General, when he first discussed in the Legislature the question of off-track betting, said that he was personally opposed to the concept of off-track betting. Now it came to me—I thought it was significant, perhaps I seek too much motivation—but I thought it was significant that approximately a week later, the *Globe and Mail* should write an editorial saying that in their opinion, the Jockey Club would be the appropriate vehicle for this off-track betting.

Very shortly thereafter, the Attorney General advised the House that he was in liaison with the Minister of Justice to seek out and have passed certain appropriate federal legislation which would render illegal this type of

enterprise with a possible view to licensing same in the future.

That is carried forward, sir, to the present state where we have them operating. We have the comment of the Attorney General saying "You would not want us to harass these people". And you have the other comment made by the Attorney General which I paraphrase—and if I misrepresent him by paraphrasing I invite him to set me straight—he said, in effect, that perhaps they want to get in on the ground floor. Maybe this was said facetiously. Maybe it was said facetiously, but that is what was said.

Mr. Singer: Do not look so puzzled; that is exactly what you said.

Mr. Bullbrook: The fact of the matter is that we, as a party, do not want them to get in on the ground floor. We would not permit them to get in on the ground floor; we would have nothing to do with them getting in on the ground floor. There will be no enterprise in connection with organized gambling in the province of Ontario where entrepreneurs get in on the ground floor.

Mr. Singer: Hear, Hear!

Mr. Bullbrook: That is the Liberal policy. It will not happen. We take the position, realistic as it is, that it is going to exist.

Mr. Lawlor: Nationalization!

Mr. Bullbrook: Then it might be nationalization.

Mr. Singer: No.

Mr. Bullbrook: Yes, it might be.

Mr. Singer: No!

Mr. Lawlor: Blue eyed and reluctant socialists.

Interjections by hon. members.

Mr. Bullbrook: We feel quite at liberty to accept—

Mr. Singer: Shore up your positions.

Mr. Chairman: Order, order!

Mr. Bullbrook: We feel quite at liberty to accept good progressive thoughts. The one thing that we find very repugnant is a left wing party, who basically, are becoming ultra conservative in their attitude. We find that very offensive.

Interjections by hon. members.

Mr. Singer: Mr. Renwick worries about you and you worry about Stephen Lewis.

Interjections by hon. members.

Mr. Chairman: Order, please! The member for Sarnia.

Mr. Bullbrook: Mr. Chairman, I just want to say that the member for York South (Mr. MacDonald) should know that he never worries us one tittle. He has not since we came in here. He does not worry us one bit.

Now basically, this is the position that we take in connection—

Mr. Singer: When you get into difficulties, we read Mr. Renwick's remarks about you.

Mr. Bullbrook: This is the basic position that we take. We take this position and I want to very succinctly reiterate what I have said before.

You see if you accept the philosophy that the Attorney General is not responsible for police activity in the province of Ontario, then you slough off the responsibility, the collateral responsibility as far as we are concerned, for betting shops and for organized crime in the province of Ontario. You slough off this responsibility to the Ontario Police Commission, or to the local police commission. We say that you cannot do that.

First of all, we say it is not fair to the public. Secondly, we say you are not doing your duty. And thirdly, we say there is absolutely no justification for it, because it is absolutely inherent in the whole concept of police control.

You see in the United Kingdom, the Home Secretary is responsible. If the Attorney General does not want the responsibility let him give it to the Provincial Secretary. I recognize we are going back to 1969 again in this debate, but sir it is worthy; we must convey this to the public of Ontario. We have a great obligation because this is, in my respectful opinion, the essence of the votes that we are putting through here. This is exactly it because this began with allegations against the OPP that we are going to get to in a few minutes. If there is any validity in what the Attorney General says, he has the absolute right to say to us that we cannot even discuss it in the estimates. He has that right because he can say to us that the Ontario Police Commission is responsible. The only validity we have then is to digest whether we should reduce their vote to \$1, but not what their course of conduct is.

Mr. Chairman, I appreciate that you have indulged me at some length in this connection. I might ask you to indulge me again depending upon the development of the discussion in this respect, but that I wanted to record again, if I might, as the position of our party.

Mr. Singer: I will stand off for a moment, Mr. Chairman. My points are somewhat different from those.

Mr. Chairman: All right, fine. I have the member for Riverdale on my list.

Mr. J. Renwick: I just have one point on the remarks of the member for Sarnia and that is that, and he finally came around to it. You notice if he talks long enough he generally comes around and covers the waterfront.

The significant thing in any judicial system is the separation of law enforcement, the judicial process and the correctional system. They are not something that can be all intermingled, nor do I believe it, and indeed the main thrust of my remarks—

Mr. Bullbrook: I was not talking about the judicial system.

Mr. J. Renwick: —in the House for years have been this business of the police and the Crown and the judges, and the provincial courts being very much too close together. I will not support any proposition which says that the law enforcement part of it should also be the responsibility of the minister of the Crown who is basically responsible for the administration of justice.

Mr. Bullbrook: That is fine. I am prepared to accept that.

Mr. J. Renwick: That distinction is one which again in its way has got to be thought out. I do not think you can just toss off and say that now we give it to the Provincial Secretary. The department is finally getting straightened around now without throwing that in.

It may well be that we have to go to another department because I consider the adequate enforcement of the law an essential part of the process, but not something that is to be combined in the same minister of the Crown.

Mr. G. Ben (Humber): Maybe you should have it separated from the Attorney General or Minister of Justice as they have in Ottawa.

Mr. J. Renwick: Maybe we should do it. I still think that you are going to get to the

point where the minister who is responsible for the police has got to make some decisions as to what he is going to disclose to members of the Legislature. There is no point in asking that a new department of government be set up and then expect that that minister, having assumed the responsibility for the police, through whatever intermediary steps that he wants to use, is then going to be in any better position to disclose to the House information, or will be affected by any different considerations than already affect him, and this is what bothers me.

I think, and this is the point I want to move on to, in the same vein of this question of criminal intelligence. The problem that we find—and I am speaking about this under supervision of police forces—the problem that we find is—may I have the minister's attention—is it just sufficient for us to say: "Well yes, the Attorney General tells us that there is a criminal intelligence operation in the province; that it has connections with the Royal Canadian Mounted Police and with Interpol; that they believe their sources of information are good; that they believe that they have a knowledge of any intrusion of crime or any spread of existing crime in the province." And is this something that we, as legislators, have simply got to face up to and say: "Well, he in the exercise of his responsibilities is entitled to say that to us," or is there some other road? Is there some other way?

There is one way. The Attorney General knows I have been concerned particularly about the intrusion of money into legitimate business, as everybody is. There is nothing significant about it. We have thought about it many times before, and the difficulty of knowing about it. About the only suggestion that I have ever been able to come up with was that after a proper period of time, three or four years, when some particular incident has been fully investigated and the case has come to trial and the results are known, it may well be that the Attorney General would be prepared to put out almost a case book and say case number one, this is what happened. This is how it functions.

I do not speak with any specific knowledge but some years ago I was on the periphery of one of these operations. It was within an ace of pulling it off and taking the money to Switzerland. The operators who did it retained at least two of the chartered banks as their bankers; at least two of the trust companies; reputable law firms in the city of Montreal and in the city of Toronto. Everybody got a little piece of the pie and every

piece of the pie that every guy got was a nice little piece of business for him. But when you put it all together it was destructive right to the very last moment; destructive of that company. The company name was Empire Brass, and it was a few years ago.

Now the story of that, if one could ever put it together, was the perfect example of the intrusion of money into the legitimate and old established family business in Toronto in such a way—

Mr. Ben: They sold newspapers I think.

Mr. J. Renwick: —in such a way that, well it did not happen, but under the plan, ultimately the money would have ended up in Switzerland.

The money would undoubtedly have been money available to come back in and repeat some kind of a project. It was a most intricate, complicated, legal, financial, banking and accounting transaction. I could not prove anything about it but that, and two or three other things that have happened in downtown Toronto that we all wonder about, including a company like Atlantic Acceptance, makes me wonder if there is not some information, some way in which The Department of the Attorney General can say that these are sort of the patterns of how these things happen; this is what our experience has shown in case X, Y and Z. Then people are a little bit more alert to the possibilities which are available if one wants to take over a legitimate operation in the province of Ontario with so-called dirty money and how it can be fronted.

I do not need to go on; the point is very simple. There are all sorts of criminal schemes and I think a case book every year or two of cases which are closed, which do not disclose future police intelligence work, but are used as a guideline to communicate to the people in the city of Toronto that this is the sort of thing they have got to be aware of.

That is on the question of crime intelligence and I do have one or two other remarks in training—in crowd control—that I would like to raise at another point, but we seem to be more or less on this particular topic.

Mr. Chairman: Perhaps we could come back to those later on. The member for York South wanted to speak on this subject.

Mr. D. C. MacDonald (York South): Mr. Chairman, I am not going to go on at great length on this. I am not even going to rise to the political bait of my hon. friend from

Sarnia, who is obviously in quite a militant political mood tonight—looking around for people to sally with.

However, the point I want to make, and I hope the Attorney General is listening when I make it, is that the law enforcement agencies and the Attorney General have been aiding and abetting organized crime for years in this province.

There is no doubt about it, from those who have studied it, that organized crime is based on the ill-gotten gains that start, in the first instance, from bookmaking. This is the sort of chest.

Mr. Singer: This is where we started.

Mr. MacDonald: Right, this is where we started.

As a matter of fact, a few years ago I rose in the House and said to the Attorney General of the day: "Why is it that you wink at the fact that every little rural radio station broadcasts race results?" The one I cited, because I used to be summering there at that time and it always intrigued me, was Smiths Falls in eastern Ontario. One would have thought that, among the good solid burghers of Lanark county there would be nobody interested in racing at all. But obviously enough people were interested that the local radio station was pumping out the race results from Woodbine every 20 minutes, and I asked the question, why? I did not get any help from the Liberals in pursuing it at that point. I am glad to see that they have landed positively on this issue at this point.

The Attorney General and the law enforcement agency have winked at the widespread existence of bookmaking in this province for years. People who know far more about it than I do were able to cite two or three police stations in the city of Toronto where, literally, in the same block there was a well-known bookmaker. In fact, I am told that a few years ago there was somebody right in the front of this building whom you could place your bets with at any time.

Mr. Singer: Not in front, inside.

Mr. MacDonald: Well inside; in the front foyer or something. I do not know who it was so I am not pointing the finger at anybody.

How a government can be blind to this kind of thing—put its head in the sand and not pursue it—mystified me when, in the next breath, the government professed to be deeply exercised about the threat of organized crime to the point where it set up a

royal commission and went through the motions of investigating this situation.

There are some obvious things that must be done now, because of the change in the approach by the courts in terms of being able to take bets and run them to the parimutuels. The government needed something to get it off the hook. Whatever the hook is—a mixture of puritanism and hesitancy and a number of other things—I do not pretend to know. I am not going to try to psychoanalyze it, but the court got the government off the hook. I stand with the hon. member from Sarnia (Mr. Bullbrook), since he now stands with me. I use to stand alone. I am glad to have him at my right hand and say, "When are you going to move on the issue?"

Mr. Bullbrook: You will never have me on your right hand.

Mr. MacDonald: Well you will not be on my left hand; that is for certain.

Mr. Bullbrook: I will be right in front of you.

Mr. MacDonald: When is the government going to cease aiding and abetting the accumulation of moneys by organized crime in the province of Ontario by default, because that is what has been going on for years?

Mr. Chairman: Is the member for York South finished with his remarks? The member for Downsview.

Mr. Singer: Mr. Chairman, I am glad that now, notwithstanding whichever hand it is, the member for York South is with us. The wheel has made the full turn and it goes back to the initial remarks I made on the first vote.

Mr. MacDonald: Which years?

Mr. Singer: This year:

Mr. MacDonald: That is what I thought.

Mr. Singer: This year. Yes. You were here.

Mr. MacDonald: I thought you were talking about 1963 or 1964.

Mr. Singer: The fact remains, sir, that we still have not had any definitive statement from the Attorney General as to his attitude in relation to the present conduct of off-track betting. It came as something new apparently, because the Attorney General did not announce it to us in the House. I found it out later from information I received from the Metropolitan Toronto police force that

they had 25 charges pending against betting shops. There is a report of another one this afternoon.

Mr. Chairman: Order! The hon. member is not on the subject whatever of vote 911, and I would suggest that he come back to this. We are dealing with supervision of police forces.

Mr. Singer: I am indeed, Mr. Chairman. I am talking about control of police activities and the supervision of police forces, and I think the time has come for it. The theme enunciated by the member for Lakeshore and by my colleague from Sarnia and enunciated mostly by the hon. member for York South was the suggestion that the control of police forces does not extend to an active supervision on a province-wide basis of law-breaking which encourages organized crime. That relates back immediately, Mr. Chairman, to the remarks I made at the beginning in the first vote, my introductory remarks relating to the fact that there is no control over off-track betting, which encourages organized crime, which encourages the introduction of money into organized criminal syndicates and which promotes these activities which relate immediately to two incidents. One I mentioned was told to me by one of my constituents; I named the betting shop—it is on Dufferin Street in the 3,000 area—where they take 10 per cent off the top and it is made abundantly clear. The second relates to—and I grant it is an anonymous letter but the Attorney General had a copy of it and the Deputy Attorney General had a copy of it and I am going to read it; granted it is signed "A taxpaying citizen" and one's first tendency would be to throw it in the wastepaper basket—but let me read it. A copy of it also was directed to the hon. member for High Park, so he has had a copy of it as well.

I am writing this letter to you as I have followed your comments in the newspaper about the illegality of the present off-track betting shops. I have had several run-ins lately with the Quick Delivery, King Street West, Oshawa, which is an off-track betting shop. I have talked to the local police but they do not seem to be very interested. The following are the facts:

Upon betting \$10 I received \$9 change from a \$20 bill. I was simply told this was for "consideration." I do not even know what they mean by that yet.

After presenting \$8 for payment for an \$8 bet I was told that 80 cents "would be

appreciated." I said or did nothing and the operator repeated that 80 cents would be appreciated. I had to pay the 80 cents.

I bet \$10 on a horse and they took \$1 commission. It so happened that my selection was scratched—did not run. Upon my presenting my receipt for a refund I was handed back \$10, not the \$11 I had paid. I asked about the remaining \$1 and was told they consider it a donation to them.

I would like to know how does the operator get away with this racket when it is illegal. He has been in court twice and got off and is now pending a court trial in Peterborough.

In the meantime Quick Delivery, King Street West in Oshawa, continues to laugh at the law.

As I say, it is signed anonymously, "A tax-paying citizen," but the one at 3,000-odd on Dufferin Street which does exactly the same thing would indicate to me that the Attorney General as chief law officer of the Crown should send people in to investigate this kind of story.

Hon. Mr. Wishart: Was there not a \$50 bet in that letter?

Mr. Singer: No, that is the whole letter. No \$50 one—\$8 and \$10. But this is the story and this is happening in all these betting shops, and when the Attorney General says he would not want us to harrass them I say, "Yes, I would." I do want you to harrass them.

Hon. Mr. Wishart: There are 26 charges—

Mr. Singer: I want the Attorney General to put these people out of business but he does not seem to pay any attention.

Mr. MacDonald: He is too busy harassing the strikers.

Mr. Singer: The thing that bothers me very much is the Attorney General's defence that somehow these persons he appoints, or municipal councils appoint, or the Lieutenant Governor appoints to be police commissioners are different and apart from political persons.

Let me refer again to what Mr. Fyfe says:

Judges and magistrates, for example, are difficult to hold accountable for decisions they make about public police as it affects police affairs.

Just ponder that quote for a minute—and is it not true. Could there be anything more absolutely obvious than that remark and the second remark:

The justification for having a commission is presumably to keep the police out of politics.

That is what the Attorney General told us earlier this afternoon, but "substituting for a group of elected politicians a number of citizens appointed by politicians surely meets the issue only halfway." Let us look at them. Let us look at two.

Mr. Crothers, who is a commissioner of the Metropolitan police force, was discovered at a cocktail party by somebody who said, "How would you like to be on the police commission?" Does this make him an impartial arbiter of police matters?

Tom Graham, whom I know very well and who is a good fellow and I am sure works very hard and very conscientiously but is unaccountable to this Legislature, was appointed to the Ontario Police Commission because he was a defeated Tory member and he had no other qualification for the job than that. How can the Attorney General argue that these people bring better integrity to the administration of police matters than elected persons? Elected persons are accountable to their voters at regular intervals. The others are not.

Mr. J. Renwick: Mr. Chairman, would the hon. member permit a question?

Mr. Singer: Yes.

Mr. J. Renwick: When you use the word "accountable" in the instance that you just gave, how is the accounting done?

Mr. Singer: The same as the accounting that you do to the people of Riverdale, or the accounting that the Attorney General does to the people of Sault Ste. Marie, or the government as a whole does to the people of Ontario at regular intervals.

Mr. J. Renwick: You are saying that one elected member should replace the—

Mr. Singer: I am saying that the administration of police should be done by elected persons and that they are just as trustworthy and just as honest—

Mr. J. Renwick: I do not disagree with that.

Mr. Singer: —as appointed people, and that—

Mr. J. Renwick: And who do they account to?

Mr. Singer: To the people.

Mr. J. Renwick: You mean that those persons who happen to be appointed to the police commission have a special accountability?

Mr. Singer: Democratic accountability!

Mr. J. Renwick: You have an accountability to your own riding, you do not have an accountability—

Mr. Singer: You are wrong.

Mr. J. Renwick: —to the province. We want you to try to be a little bit more explicit about what you mean when you say that an elected official on a police force, with which I agree, is going to be somehow or other more accountable.

Mr. Singer: Absolutely.

Mr. J. Renwick: Accounting means that you turn to somebody and you tell them; and all you said is the people of the province of Ontario—

Mr. Singer: I say that an elected person, administering a police force, has to come before the people at regular intervals and say: "This is the account of my stewardship. If you like me, then send me back, and if you do not like it, then get rid of me."

Mr. J. Renwick: And do you think that that will improve the quality of police administration?

Mr. Singer: Yes I do. I do indeed.

Mr. J. Renwick: I cannot understand the logic of it.

Mr. Singer: Well, I am sorry.

Now the other point I wanted to make was this, and the hon. member for Riverdale touched on it to some extent, and that is the interchange of police intelligence. I read a book last weekend called "The Crime Confederation" by one Ralph Salerno, and on the dust jacket of this book is the reference to the fact that Ralph Salerno has served in police training programmes in the Ontario Police Commission in Ontario. Could the Attorney General tell us the extent to which Ralph Salerno has participated in advising or lecturing or counselling the Ontario Police Commission?

Hon. Mr. Wishart: I think I can answer pretty fully to that; Mr. Chairman. We have in Ontario an organization, an intelligence organization of our police forces, the Criminal Intelligence Services of Ontario—CISO as we

refer to it. It is a body formed of the intelligence services of the Ontario Provincial Police, Ontario Police Commissions, the large urban intelligence forces, and chiefs of police of other forces, and it has close relationship and inter-communication with the FBI, with the RCMP and with police forces everywhere. It is the intelligence service of criminal intelligence in the province of Ontario.

Ralph Salerno has come up to Ontario, and has spoken to our intelligence people, and he has taken some information that we were able to give him. He has given us the benefit of his knowledge in criminal intelligence work. We have acknowledged him; we have had him here; we have benefited from his visits, and I think perhaps he has taken some benefit from us. We have a very active criminal intelligence service in this province, related and working hand-in-glove with criminal intelligence services of police forces everywhere.

Mr. Singer: The Attorney General then would accept Mr. Salerno as a pretty outstanding example of informed and able and honest comment on relation to organized crime in North America.

Hon. Mr. Wishart: I think he is knowledgeable, and that is why we brought him to speak with us.

Mr. Singer: Is the Attorney General familiar with this book, *The Crime Confederation*?

Hon. Mr. Wishart: I know some of his writings, but I do not think I have read that book.

Mr. Singer: It is a very good book. I commend it to the Attorney General's attention. One of the things that Mr. Salerno talks about is a ring of organized crime. He avoids several phrases that some people, perhaps including myself, are wont to use. He talks about the crime confederation, rather than give it particular connotation so far as ethnic groups are concerned, but he expresses the view pretty definitely about the spread of organized crime over the whole of North America, and expresses the view of grave concern about the fact that organized crime, when it is allowed to take root, infiltrates police forces, political forces, and so on.

Hon. Mr. Wishart: That is its history.

Mr. Singer: And he expresses great concern about the ability of organized crime to insert itself into gambling, and he says—as many people have said, the member for York South

said a little earlier, I said many times, and say it again tonight—once the gambling is allowed to be free and easy and wide-open, then you just invite the confederation to take over control of the enforcement arm of our law enforcement. And this is why we are so concerned about the present effect of off-track betting in this province of Ontario. And since the Attorney General seems to regard Mr. Salerno so highly—and from his book, and from what the Attorney General says, I share that regard—I wonder why you are not a little more tough and a little more obvious about your approach to what is going on in this province with regard to off-track betting?

Hon. Mr. Wishart: Well, when I get an opportunity, perhaps I can clear the air with some comments. Mr. Salerno has written a number of things. He has gone into the business of writing his knowledge and his experience into books—

Mr. Singer: One more question relating to Mr. Salerno. He talks about an intelligence organization, apparently a very exclusive one, that has grown up—there are some initials attached to it, I have forgotten what they are—which consists of the heads of not all, but various police forces through North America, very selectively chosen. He points to several examples, none in Canada, but several examples where individual intelligence units have been refused membership, because the people who run it have been a little suspect. Is the Ontario Police Commission, Ontario Provincial Police and Metropolitan Toronto police force—are they all members of this intelligence unit? They are all accepted? Yes. There was no suggestion that they were not, but there was no positive comment.

Hon. Mr. Wishart: But it is a fact that there are police forces—

Mr. Singer: —whose intelligence units are not accepted.

Hon. Mr. Wishart: Yes.

Mr. Singer: Yes, he named two big cities.

Hon. Mr. Wishart: To include them would destroy the security of the intelligence.

Mr. Singer: That is all I have on that subject.

Mr. Chairman: Gentlemen, is there any further discussion on vote 911?

Mr. J. Renwick: Yes, I have a couple of matters.

Mr. Chairman: Perhaps then we can return to the member for Riverdale.

Mr. J. Renwick: Would the Attorney General, on the question of police training, bring me up to date as to the extent of the police college work, and the relation to the branches of the police college and whether or not there have been any plans developed for providing in the community colleges around the province police courses, police training? I had suggested some years ago that the police college should not be isolated, outside the whole of the community generally, at Aylmer. I notice in remarks which the former chief of police of Toronto made that there is, in substance, a Metropolitan Toronto branch of the police college which serves to train the police officers of Metropolitan Toronto, but certainly there is not only the inconvenience and the distance for many police officers who are coming to train, and it continues to remove most of them into a pretty select atmosphere. And with the community colleges, it seemed to me that you have a very good avenue to set up courses in police training, relatively close by to places where the police officers are located or the police cadets are located and have them take the kinds of courses which—well, to use an analogy—are similar to the law schools which have a number of places where they can take courses with some overall testing requirement for the completion of the courses. It seems to me that if they were on the campuses of the community colleges, it would be very worthwhile and useful for that development to take place.

I wonder whether the Attorney General would just tell me what they are planning to do.

Hon. Mr. Wishart: Yes, Mr. Chairman, we have discussed this, discussed it some little time back, and the Ontario Police Commission has arranged interviews with the heads, the faculty members of certain of the community colleges, and we are looking at that as a field where we can give police training in their own communities, much closer to their home forces, not only in actual police work, but perhaps in upgrading the general standards of the police. I am not sure, but I think perhaps certain types of police training courses are given at one or two of the community colleges, but we have not got the programme developed yet. I am quite in favour of it. We have discussed it, and I think we will have it going before long.

I do not know whether the hon. member wanted any statistical—

Mr. J. Renwick: No, I do not need any statistical information as long as I have the sensation that it is being actively pursued, if it is.

Hon. Mr. Wishart: I can assure you that it is.

Mr. J. Renwick: The other point—in a sense this may be reverting to what my colleague, the member for Lakeshore, had to say, but it was a matter which I wanted to raise specifically—and that is this question of whatever you want to call it, crowd control.

Whatever experience I have had in this area at specific times, the ones that are either on holidays or on weekends, on a Saturday or something like that, take place in the central part of downtown Toronto. And there is always the question as to whether or not the event which triggered off the difficulty in the area was the action of the police or whether it was the action of some members of the group who were demonstrating. It is not always simple because in a large group there are some fringe people there to make trouble that I am quite convinced the police themselves can take care of. There are always a lot of police around to nail the troublemaker because we are all interested in the general security. We are not interested in seeing people get beaten up.

But I get the impression, leaving aside that question—in other words, that the police, if there are enough police on the scene because mostly these demonstrations are known—that any individual person who infringes the law by throwing a stone through a window or by striking another person or some disturbance such as that, can be dealt with specifically by the police as an individual item without disturbing the overall general right of the people engaged in the demonstration to carry out that right. Where the balance seems to me to get tipped is the undue regard for the right of the motor vehicle to get from point A to point B.

One of the justifications which is used by the police, and was used on May 9, was that it would interrupt the flow of traffic.

Now my particular view is that the responsibility for the flow of traffic, of course, is the police's. It is specifically given to them under The Municipal Act; it is an obligation of theirs. But on a Saturday afternoon in front of the American consulate, or in the vicinity of the new city hall or that area, it would not be very difficult for the police to so arrange their affairs that on the few occasions when people in Toronto want to

exercise their democratic civil liberty of demonstrating peaceably about a matter which is of concern to those particular citizens, there should not be this tendency by the police in a specific period in time to move in to break it up. I get the impression that all sorts of justifications are used—maybe rightly—by the police for the action which they take. The basic one that I hear is the traffic one and then also, except for this very last occasion, I had never ever heard what we, in our simple way learned at law school, that there was a lawful assembly and unlawful assembly and a riot. That persons participating in lawful assembly were entitled to know, in the judgment of the responsible police officer, the responsible law enforcement person, exercising his judgment by way of his background, his experience and knowledge, to say to the people assembled: "Well this is in my judgment about to become an unlawful assembly. I request you to disperse"; or if it goes to the next stage it is a riot and read The Riot Act.

I think that our law was very carefully framed on those three stages so that a citizen would know exactly what his position was and could therefore assess what consequences he was prepared to take if he chose to stay around when it was an unlawful assembly. That was his problem. If he chose to stay around when The Riot Act was read, that was his problem. But he was entitled to know.

In other words, there was no sort of simple progression that says: "Well, there is going to be a demonstration on Saturday afternoon in front of the United States consulate on University Avenue and we are going to let it go on for a certain period of time and then after they have sort of done their thing and so on, we are going to move in and clear it, because it is getting to be five o'clock in the afternoon and we want them to move on."

Now I think that the balancing of those interests of citizens, the right of a person to get from point A to point B, the right of a person to take part in a lawful assembly demonstrating about a matter which he believes in, the right of people who own property not to have property destroyed, requires experienced police officers to make the judgments as to how all those interests are to be balanced off, and no one of them is to be given priority. And yet I certainly have very clearly that impression.

I could revert to the one matter that the Attorney General raised about the horses.

They are the same horses but they are not like kids in the park patting the policeman's horse. When those horses come down a sidewalk, people are frightened, and I do not care who the citizen is or how brave he believes he is, there is nobody in this room or anywhere else who can stand up against that exercise of force by the police. And that is what it is. And therefore the justification must always be that it is only that force which is necessary for the purpose.

Well these are matters which in a number of cases are before the courts, but I am very much concerned that unless the police are totally aware of the totality of interests that are entitled to their protection, that we can easily have a repetition in Toronto in extreme circumstances of the kind of things which happen, and which we deplore to see happen in cities in the United States. I think it can only be done not because we are removed from the pressures, not because in some way we here are different from people in the United States, but because the citizen knows his rights and the police know their responsibilities in protecting those rights. I simply want, not just to get it on the record, I just want the Attorney General to at least have the benefit of my views about the serious responsibility which in my judgement is most important—I am sorry I was not there, then I could have spoken with more authority. I left about an hour before the horses appeared on May 9.

But I have talked to a number of people since that time. I have tried to be as informed as I could. Actually it is very difficult in a situation like that to be fully informed. But I get the impression that there was a failure, by the police, in properly balancing off those interests and protecting them.

In contrary distinction to that, an observer, an American fellow who observed the demonstration but was not taking part in it, an American citizen who lives in Toronto, saw the demonstration on May 9, and he was quite appalled by it. He made his complaint to the Metropolitan Toronto Police Commission about it. Then there was the further demonstration on the holiday which was May 24—which I guess was May 19—and at that demonstration he said it was the difference between night and day, that the police handled that demonstration in Toronto extremely well, and they even were able to work it out in such a way as to respect even the rights of the militant fringe groups as well as the rights of the great body of citizens who were taking part in the demonstra-

tions in a peaceable way. They were not trapped into disbanding a demonstration simply because there was a militant group on the left and a militant group on the right which were interested in provoking some kind of altercation for their own purposes.

But the particular American citizen told me that the difference in the way in which the matters were handled was a vast improvement and he went to the trouble of calling me just simply to tell me that. I would like the Attorney General's comments about this kind of problem, because I think it is very serious when force is used, unless you can maintain the consent of the citizens for the use of that force or overriding reasons of the general security.

Mr. Chairman: Would the minister care to reply now or wait until after we have heard from—

Hon. Mr. Wishart: I think I might deal with that point now, Mr. Chairman. I do not know that I would specifically say that horses should not be used. I think there is a way of using them in certain circumstances where it may be necessary. I agree with the hon. member that they could be misused, if they were used in numbers, or used in a violent way or too speedily, if the way they were brought against a person could be very frightening, it would be an excessive use of force. I think the general principle is the police use sufficient force to contain a certain situation. To make a decision that in every case it would be wrong to use that kind of force, I think is something I would not be prepared to do any more than one might say that, in no case should a policeman use other than his own person without any weapon or means other than handcuffs, or maybe at times against a very violent person he may need to use a stick.

There are cases when in self-defence or the defence of the public he may need to use his gun. I do not think you can make a hard-and-fast rule. Even in crowd control, a situation may get so much out of hand that it may be necessary to use a horse. But I might, just for a moment, perhaps expand on that Toronto situation to indicate possibly to the members of the committee what the police were up against and what they were contending with. I have here—I am going to refer to two of these sheets—a notice of the meeting of May 9. None of these is signed by any group or any person. There is a telephone number on one. The language above that is:

We announce the death of the silent majority. You are cordially invited to the funeral wake with us. Riots, macings, clubbings, fights, killings, and a splendid time is guaranteed for all. The Toronto pigs have shown their willingness to join in the festivities. Somebody is going to get hurt.

That is in quotation marks. I do not know whose quote it is.

The clash could result in serious injury or death.

And that is in quotes.

Come to the consulate this Saturday at three o'clock and find out. On with the show. Good health to you.

The May 4 movement.

Then there is a telephone number and, below that, is a cartoon showing a policeman with the face of a pig. He is holding the hand of what appears to be a crocodile or an alligator. Then there is some reference to Okefenokee University.

Then the other sheet:

Eaton's taken over by Macy's of the U.S.A. What will Canada and the dodgers and deserters say when the U.S. says "Ho, Ho, now we control three quarters of your economy. We want our deserters."

Then below that it says:

We need 15,000 people, freaks, straights, phoneys, peace stars, or—

I cannot quite make that out.

If you are a pacifist, please come and stay on the outskirts—

That is for the pacifists:

—3 p.m. at the U.S.A. consulate, Saturday.

This one is signed: "We need people."

Then there is a block: "Use stone to smash windows, if you like."

Now this is the invitation.

Mr. Shulman: Surely that is breaking some law.

Hon. Mr. Wishart: This is the invitation to that demonstration. Below that, the last thing:

Perhaps one person might volunteer to brave getting shot. The U.S.A. must know what Canada is thinking.

I do not really get the last sentence. It says:

I hate getting raped, I am on my manhood power trip.

Of course, it is not—

Mr. J. Renwick: I think, Mr. Chairman, that is precisely why I wanted these matters to be raised. The police in Toronto knew full well that that particular pamphlet was the work of—

Hon. Mr. Wishart: Of some group.

Mr. J. Renwick: —an extreme group. They know Toronto well enough that no revolution is going to happen here tomorrow.

Hon. Mr. Wishart: Yes but—

Mr. J. Renwick: Now, now, these men know. The interesting thing was, of course, that there was a number of demonstrations that day. The first one was at 3 o'clock and there was one at 1 o'clock and one at 5 o'clock. I was aware of those. I was there at 3 o'clock. I was there until about 4 o'clock, and nothing happened. That is not what caused the trouble at 5 o'clock.

Hon. Mr. Wishart: I have the rest of the report.

Mr. Chairman: Perhaps the minister may continue.

Mr. J. Renwick: Right.

Hon. Mr. Wishart: I am not going to read all of it, but I will read practically all, and I will read it without omission. This is the report from the police of the methods used by the Metropolitan Toronto police in handling the crowd on Saturday, May 9, on University Avenue, at the U.S. consulate:

The Metropolitan Toronto police force was well aware in advance of the proposed demonstrations scheduled for Saturday, May 9, 1970, in front of the United States consulate, as a result of information gathered by intelligence officers and the type of literature distributed by organizers of the proposed demonstrations. Accordingly, considerable care was given in planning police protection for the area with a view to avoiding any serious trouble. By 12 o'clock noon on Saturday, May 9, there were 30 to 40 people picketing in an orderly manner in front of the consulate on University Avenue. At about 1.30 p.m., additional demonstrators arrived, bringing the group to about 125 to 150 persons. There also were about 200 spectators in the centre boulevard and on the east side of University Avenue. Picketers were joined at about 2 o'clock by 70 to 80 demonstrators from a group known as

M4M, May 4 Movement. They were chanting and shouting in front of the consulate.

At about 3 p.m., this group moved to the centre boulevard and made several speeches. More demonstrators arrived including some from a militant communist group, but up until this time the demonstration was orderly.

Now this is at 3 o'clock and, after 3:

At about 4 p.m., approximately 50 members of the Edmund Burke Society joined the demonstration and, almost immediately, shoving and pushing started between this group and the other demonstrators. Fist fights broke out, blows were exchanged with signs mounted on poles and a number of arrests were made.

This, I think, is when the situation arose where the forces were brought in. I will read the report as it was given to me:

A large group of demonstrators, estimated at 3,000, arrived simultaneously from the south and north on University Avenue at about 5 p.m., forcing southbound traffic to a standstill.

Mr. J. Renwick: Mr. Chairman, if I may interrupt, that is the group that came from the city hall square where they were engaged in that festival that was taking place and had taken place all afternoon.

Hon. Mr. Wishart: Right. But at this time there had been no force used by the police, except to make a few arrests, and around 5 o'clock, 3,000 demonstrators arrived.

Police officers at this time were partially successful in getting the southbound traffic moving by clearing the roadway of demonstrators that took up positions at the west curb and then refused to move. Two mounted officers were on University Avenue to assist traffic off Armoury Street and to assist groups of demonstrators to cross the roadway to the consulate area.

At about 5.15 p.m., Inspector Walter Magahay spoke to the gathering by means of a police sound truck, advising that they had a right to demonstrate peacefully, but that any persons committing offences would be subject to court action.

When loud yells, chants of derision, and so on, appeared to have drowned out the message, Inspector Magahay took a bullhorn and moved among the crowd and repeated his message several times. By now the demonstrators had come to a standstill

in front of the consulate and refused to move in an orderly picket line as requested.

Staff Superintendent G. Dorkin, along with about 40 police officers, was attempting vocally to get the crowd of about 3,000 demonstrators moving and to picket in an orderly manner, when he was struck by a pole and a sign by an M4M demonstrator. He grabbed the pole, and with the assistance of a police officer, arrested the individual. Other demonstrators then piled on top of him forcing him to the ground. Shouts of "kill the pigs" were heard and a mass surge was made toward the front of the consulate.

When a mounted officer saw what was happening he pushed into the crowd and moved them away from Staff Superintendent Dorkin. There was a continuous shout of "charge" as the demonstrators surged forward. Missiles were being thrown and it appeared they were intent on storming the consulate. The men on foot guarding the consulate were in a dangerous position being jostled and shoved with their backs against the building and no means of exit. Some of the officers were in the centre of the crowd attempting to calm them and were in a very precarious position.

Missiles were thrown at the police. One went through the consulate window. With a view of preventing anyone from being seriously injured the mounted unit was then moved in, splitting the crowd in two and proceeded to ease the demonstrators north and south on University Avenue. Both horses and men were subjected to abuse, being poked and hit with signs and sticks, bridles grabbed, tails pulled, sod and rocks thrown, and ball bearings dropped under the horses' feet. One constable was dragged off his horse and suffered a broken thumb.

The crowd was moved to the east side of University Avenue south toward Queen Street and at this time Inspector Walter Magahay used the police loudspeaker and told the crowd the demonstration was over. They continued to yell, attacking both mounted and foot patrolmen. A large group broke away from the main group and ran for the city hall square. During all this time arrests were made for obstructing and assaulting the police.

At about 6.45 p.m. other groups of demonstrators joined those at the city hall square. They surged off the square, across Bay Street to Albert Street, where windows in the T. Eaton Company store were

broken. The demonstrators went north on Yonge Street, forcing people off the sidewalk. Police units broke up the demonstrators at Dundas Street, Gerrard Street and College Street.

From that time on until about 10 p.m. various police units were ordered to locations in the University-College-Dundas-Gerrard-Queen area to break up groups of demonstrators. Ninety-one arrests were made on charges of assaulting the police, obstructing the police, causing a disturbance and possessing offensive weapons. Some of the weapons seized were a loaded .38-calibre revolver, a bayonet, a black-handled knife with an eight-inch blade, ball bearings, sharpened sticks and stakes imbedded with nails.

The decision to disperse the demonstrators and to use the mounted unit was made when it appeared that the demonstration was getting entirely out of hand and that injuries to persons would result as well as damage to the U.S. consulate and other property near by.

Police horses were skilfully and carefully ridden and no serious injuries were reported to the police. Many of the police officers received minor injuries.

Now the rest is Chief Adamson's own opinion of the matter and I do not think it is necessary for me to read his opinion in.

The point I wish to make in reading the material I have given to the committee here is that there comes a situation—without any question the right to demonstrate is admitted, the attitude of the police was to try and contain it within reasonable bounds—there comes a point when you have a crowd and persons attempting to incite it. No matter how good-natured that crowd may be, or how good its original intentions may be, or how good the individual might be in his own conduct, there comes a mob psychology. For certain persons to succeed in unlawful acts and having the police make no attempt to contain this, increases that psychological crowd attitude, which then can become something out of hand, especially for a small number of police to handle.

So I go back to my point that I do not think one can lay down a hard and fast rule with respect to the use of equipment. We have laid down regulations with respect to the use of certain equipment only in certain situations, but force as a mounted policeman—I do not think one can say it should never be used.

Mr. L. M. Reilly (Eglinton): Surely, Mr. Chairman, no one can object to the action of the police in this particular case?

Mr. Chairman: The hon. member for Riverdale.

Mr. J. Renwick: Mr. Chairman, when the police submit a report like that, what checks do you make? Knowing the fallibility of people who observe what takes place and the conclusions which are drawn from it which actually they in good faith believe, what checks are made in terms of other persons at the scene who have some skills in observation, films that are taken, that kind of assessment?

I cannot really conceive of the police ever giving anything other than that kind of a report, because that justifies their action. My whole point was that the responsibility for the justification of their action requires a very responsible, knowledgeable police force, not a police force which does not really have a firm conviction about the right of citizens to demonstrate.

Mr. Ben: What causes you to make such a statement? Where do you have evidence that the police do not recognize the citizens' right to demonstrate?

Mr. Chairman: Order!

Hon. Mr. Wishart: Perhaps I might just answer briefly. This is the report submitted by the chief of police, built on the reports received from his inspectors. In this case we had no one there, other than police persons, to tell us of the matter. We got our other information from the newspaper accounts and comments of persons such as members of the Legislature.

I think that is all I could say that we can do to check unless we were to—I mean the police are the proper people to be there, I think. I do not think we have anyone else that we would have as observers to go there to observe the police.

Mr. J. Renwick: My only other comment is—going back to the demonstration in November of 1968, the earlier demonstration—I think it was very interesting to note that, so far as I can ascertain—I have always intended to make a final count of it—that the charges which were laid at that time against the various people that were involved in it, and the horses were used on that occasion, that apart from accused persons who pleaded guilty to a lesser charge if they were charged with obstructing police and causing a disturbance, they pleaded guilty to causing a disturbance,

I do not think there was anybody actually convicted at trial—

Hon. Mr. Wishart: No.

Mr. J. Renwick: —in that instance. Now maybe we have come a long way since that time, but certainly they put the horses on the sidewalk that day. I felt that at that time the police were not as aware—and it was very clear, because the reporters who reported in the various papers and the evidence which was available by photography and other film, was incontrovertible that it overstepped the force which was required. Perhaps more sophistication is coming into it, and perhaps better appreciation is coming in.

Hon. Mr. Wishart: I think this is so. I would be quick to admit that one cannot always say—or rather would not attempt to say—that the police do not in some situations use more force than is necessary. It is a matter of judgement. But I wonder if possibly one might consider whether, in this particular demonstration, perhaps without the mounted unit, without the use of horses, perhaps there might have been more disorder, more damage, more injury? It is hard to say afterwards that it was a wrongful thing to do to have the horses there, perhaps they were the thing that saved the day. This is a matter of judgement.

Mr. J. Renwick: These things are matters of judgement, and also matters of observation, because certainly one observation that was made by two or three people—with no reason for making any other judgement on it that I know of, other than by way of observation—was that a good part of the trouble occurred because the police were trying to accomplish two things. One was to clear the roadway, that is the westerly lane of University Avenue, and the easterly lane, and that caused a large number of people to go on to the sidewalk, which could not possibly contain the number that were there.

Mr. Chairman: Has the member for Riverdale completed?

Mr. J. Renwick: I was about to turn the floor over to the member for Downsview, but he spoke a few minutes ago on the subject matter of betting, and I think the minister has a couple of comments to direct to that subject matter before we go on to the next.

Mr. Shulman: At this point I would like to make one comment. After this I took the trouble to contact Don Delaplante of the *Globe and Mail*, who was present throughout

this whole experience, because I was very worried about the things that were brought up here by my colleague from Downsview. I think, in reference to the police, it was his opinion that the police used only the minimum force necessary to accomplish what was necessary to be done that day.

Mr. Chairman: The member for Downsview—I am sorry, the minister.

Mr. Ben: I wanted to speak on the same point that we are dealing with now.

Mr. Chairman: All right, fine, the member for Humber on this point.

Mr. Ben: I want to deal with this point too, because I was listening to the hon. member for Riverdale and listening to the Attorney General also. I was going to ask the hon. member for Riverdale if he would rise again and repeat those wonderful words in defence of the rioters, because I did not know whether I heard correctly.

Mr. Chairman, we have used the mounted units in police work since long before my time. In 1961 the Metropolitan Toronto police established a public community relations bureau, and at the same time they established what at that time was called a riot and emergency squad. They do not call it by that name now, but this unit was a specially trained unit to deal with riots and public emergency.

I mentioned that it was formed in 1961, because the fact that we have heard very little about that unit indicates how efficiently it has been operating. If it had been exceeding its jurisdiction, if it had been guilty of all the kinds of abuses that it is alleged it has been committing, we would have heard about it long ago.

Mr. Attorney General and Mr. Chairman, I recall reading with interest all the newspapers that wrote about this incident. I was interested because I had received a telephone call and found myself defending some of the people that had been charged with an offence, so naturally I wanted to gather as much information as I could.

What struck me about the first releases that were published by eyewitnesses in all three newspapers was that all of them praised the police department in the way that they handled it. They had nothing but praise for them. It was not until much later that phrases like “freak-outs” started to come in and “pigs” and so on.

All three newspapers complimented the police on the way they handled it. The eye-

witnesses who gave statements to the police, and people of some stature in this city, including what we would call left-wingers, members of the ND party—and that is not being said in a discouraging or disparaging way.

Mr. Chairman: The hon. member for Humber.

Mr. Ben: The fact is we know what happened, because it did happen. But we do not know and can only surmise what would have happened if action had not been taken to disperse this riot or try to change its path.

Obviously we had at least two strongly divergent views represented among the people who were present at that demonstration. On the one hand we had the Maoist or the May 4 movement, and on the other hand we had the Edmund Burke Society.

I would say that an overwhelming majority of the people who had been there were what was described as spectators, or innocent bystanders—people who came by to see what was going on.

I think that perhaps my hon. friend from Riverdale is in error when he talks about the people coming over from the square in large numbers. That to my mind had happened in a previous week. What they had there that particular day had been a demonstration by a Ukrainian movement that was protesting the suppression of religion in the USSR. I understand that about 100 of the people from that demonstration subsequently had gone over to join the demonstration at the consulate.

The fact remains that I am certain there were a good majority of people who had gone there for no purpose other than to see how much of the “promises,” if I may use that word, contained in the literature that had been issued, would be fulfilled. Obviously it was almost like advertising a matinee performance in an ancient coliseum in Rome. All they had to do is have lions eating Christians and the like. This is about the way it was billed.

Mr. Bullbrook: Lions four, Christians nil.

Mr. Ben: Well that is right. Lions four, Christians nothing.

At any rate, I can only surmise, like everybody else, that although a number of people may have been bumped by the horses, if the horses had not been present, if the police had not acted in the manner they had acted, there is a good chance that many people would have had their skulls cleaved by the

poles on which were carried these signs by the different factions.

It is easy to attack the police. They are the whipping boys of today.

I was speaking to a school—some pupils were present from a school in my riding—and I told them that in my opinion there were professional agitators around trying to disturb things. And those who induce children—and they are young people—to call the police “pigs” and “fascists” and the like, do so because they know that the responsible element in the community will not believe those allegations. These agitators can say: “They do not believe you—there is no communication between you and the older people—you have got to listen to us because they are not listening to you.” And that is the way the thing multiplies.

I originally got to speak on this topic because I had to say something about the police of Metropolitan Toronto. I have a report that was just issued—it is the 1969 annual report—which shows that crime generally speaking—the total crime in Metropolitan Toronto—increased by 15.4 per cent.

But one has to analyse the figures. I think I have said it before—what statistics reveal is interesting, but what they conceal is very vital, like a bikini.

The statistics show that murders were down 29.6 per cent; attempted murders, 22.2 per cent; rape, 10.2 per cent; manslaughter was up 12.5; robbery, 6.1; breaking and entering, 7.3; thefts, other than motor vehicle, 9.4; and motor vehicle thefts, 19.2.

What shot up the percentage was the fact that wounding increased by 72.8 per cent. But one has to ask himself, how many cases of wounding were there?

In 1968 there were 27 murders, as against 19 in 1969. In 1968 there were nine attempted murders, as against seven in 1969. In 1968 there were eight manslaughters, as against nine in 1969. And there were 137 cases of rape in 1968, as against 123 in 1969.

But here is how percentages sometimes can be deceiving. In 1968 there were 371 cases of wounding; there were 641 in 1969. Now that was a 70 per cent increase.

On the other hand, if there were two in 1968 and there were four in 1969, you could say that there was a 100 per cent increase. That would change the statistics still more, if you follow my reasoning.

Assaults, other than indecent; they rose from 4,650 to 5,759, and thefts increased

from 41,922 to 45,859. In other words except for the high increase in wounding, percentage-wise, although not so much in numbers, there would have been a small drop in the regular percentage increase that we have been having in crime in this city.

What is also interesting is not just the number of offences which occurred, but the offences cleared by arrest or summons. And, in this regard, the police have a better record when it comes to offences against a person than they have against property. I am very happy to read this because usually the police are accused of paying more emphasis to offences against property than they do against the individual: 84.2 per cent of the murder cases were cleared; 85.7 per cent of premeditated murders and 100 per cent of manslaughter. I suspect that that manslaughter figure is because they take guilty pleas. It is a reduced offence now.

Rape, 80.5 per cent; wounding 91.1 per cent, which is a pretty good percentage of clearing; and assaults, other than indecent, 79.4 per cent.

Against property, they did not have such a good record. Robbery, only 46.9 per cent were cleared; breaking and entering, 42.9 per cent; theft, other than motor vehicle, 37.4 per cent; and motor vehicle theft, 15.6 per cent. In other words, if you get your car stolen, you have got a slim chance of getting the thing back.

Mr. J. B. Trotter (Parkdale): I got mine back. They did a good job. They stole mine and I got it back.

Mr. Ben: You did? All painted?

Mr. Trotter: In 24 hours; good service.

Mr. Ben: But what is interesting, in the city of Toronto—and I meant to discuss this with you—in the city of Toronto, regardless of what the people high up in the police department may say, they have had a system where they classify the efficiency of officers on their performances. I know because I have had complaints made to me directly by the police.

They have to produce so many, shall we say, written summonses—

Mr. Chairman: I wonder if the hon. member would direct his comments to vote 911 and supervision.

Mr. Ben: This is the whole thing—this is what we are talking about.

Mr. Chairman: He seems to be wandering far and away from vote 911. So perhaps he could limit his comments.

Mr. Ben: All right. But there has been a complaint by the police in this city that in order to give effect to the system of judging efficiency that is in operation—and I understand it is the system that was initiated by the Bell Telephone Company; in other words, they judge your production—that they have had to write an inordinate amount of traffic tickets.

People have complained to me. They have said: "Look, Mr. Ben, if we want to write tickets all we have to do is park at the busiest intersection on our beat and we get all the people that we want to but while we are parked there, we cannot patrol the streets."

Well in 1969 highway traffic offences dropped from 529,039 in 1968 to 489,862. This does not necessarily mean anything, or on the other hand it means something. But I suggest that the reason that they have had a better clearance of offences and why there has been a drop in the increase in offences against a person is that perhaps they are concentrating more on these offences and less on traffic offences.

Perhaps, Mr. Attorney General, these figures could be improved still more if you were to inform the police forces throughout Ontario that one should not judge a police force by the number of Highway Traffic Act offences it prosecutes, or by the number of summonses it issues for an infraction of local bylaws, but by how little crime there is in a community and by how safely a citizen can walk the streets at night.

Perhaps we can sacrifice a couple of hundred thousand traffic tickets, even if it is \$2, or \$4, or \$5 a ticket, and instead have less people being wounded, less people being mugged, less people being raped, less people being murdered. I see no justification for judging an officer's competence by the number of tickets he issues—and let no one try to deny that they compel him to issue these tickets, because that is a fact.

I repeat again that a police force should be judged by how safe the community is and not on the traffic tickets or other such warrants they issue. I would ask that the Attorney General, through the police commission, charge these different departments that they must cease using that old Bell Telephone production quota system to judge how good their officers are.

Mr. Chairman: Mr. Minister.

Hon. Mr. Wishart: Mr. Chairman, I would like to take a few moments to go back and comment on some of the remarks that were made earlier this evening by the member for Sarnia, the member for Downsview, and the hon. member for York South particularly, with respect to betting and to clarify the situation and some of the statements, which seem to be very wide of the mark.

The law with respect to betting, of course, is well known to be set forth in the Criminal Code. Our recent interest in that matter, going back to last year, was the so-called messenger service where bets were being taken, placed off the track for a consideration and delivered to the track.

We prosecuted under that section 177—I believe it is subsection (1)(e) in the code—yes; engages in pool selling or bookmaking, and the lower court said this is a messenger service and is not really bookmaking. It said the consideration is paid for taking the bet to the track and said the charge had to be dismissed.

We appealed and as a result of that court hearing and the establishment of what is the so-called messenger service, we then asked the Minister of Justice to amend the code to make that illegal. And all we asked him to do was simply to make it clear that you cannot have off-track betting under whatever name you may call it—messenger service or whatever.

At Ottawa, in their discussions there and apparently in committee when the amendment appeared there was in it—and it is now 177(a) of the code:

Every person who places or offers or agrees to place a bet on behalf of another person for a consideration paid or to be paid by or on behalf of that other person is guilty of an indictable offence and liable to imprisonment for two years.

So that the code, instead of saying “there can be no activity in the way of off-track betting whatsoever” said, by the language of that section, as long as it is not for a consideration. That is the meaning and the interpretation which we have to take and which the courts have taken from that amendment.

So there is that situation. Now, if persons are opening shops where they take bets but they do not charge or do not take a consideration for that service, then they are quite within the law and that is very clear. It is a law brought down by our colleagues

at Ottawa by their amendment to 179(a) of the code.

We have sought through our police investigation and police intelligence to determine if consideration is paid. It is a very difficult thing to do. And in the House when I was asked about it, I said we cannot bring people to court without some evidence; that would be harassment. I do not take any of those words back; I do not think the police can be engaged in harassment. They must get evidence by some means or other.

I think if the code had been amended in a different way, we would not have had the problem of trying to find out the evidence as to whether there was consideration.

There are, as the hon. member for Downsview says—and the day he was asking me, I had some awareness of a proposed activity of the police, 25 charges I believe were laid that next day or were in the course of preparation then; and there have been others since. But it is a very difficult field to get the evidence to take it to court and get convictions.

So I clear up, I trust, the word that I was not going to harass these people. We were not speaking of criminals in the sense of the serious crime; we were talking particularly and specifically in this betting situation of messenger services, this off-track business. I am charged with having changed my views. I would like to clarify that. I think there has been no change whatsoever since that discussion about betting last year in the House. I was asked by the hon. member for Lakeshore—I recall it very clearly—“Has the government given any consideration”—or has the Attorney General, perhaps he said—“given any consideration to the matter of permitting off-track betting under government supervision?” And I said, “Yes, this is a matter that has been discussed but we have no policy, and I have had discussions with the Minister of Justice” or something of that sort.

I had correspondence with the Minister of Justice. He did not feel that he should consider the amendment to the code to permit off-track betting by a province as was done in the case of lotteries, betting and other games of chance. But the farthest the government of Canada was prepared to go last year was the amendment I referred to. There is no change in attitude. That matter will be discussed; that matter will be discussed with the Minister of Justice. I am informed, and I believe it will be on our agenda when we meet, the attorneys general of all the provinces meet with the Minister of Justice in July shortly after the session

here closes. It has been discussed at the conference on uniformity and I think it was a consensus there that if there was to be off-track betting it would have to be done by the parimutuel system, the same as is operated at the track.

It is suggested that the Jockey Club has some interest in the matter. I have no doubt they have; they have indicated such. But let me make it clear they have been given no consideration. Other organizations have indicated an interest. My reply to all of them has been there is no law which permits this at all and if and when the Parliament of Canada sees fit to permit off-track betting, in my view it should be, as I have stated, parimutuel and government-controlled.

That surely makes that situation clear. There has been no change of attitude; there has been no consideration.

Mr. Bullbrook: Would you mind clarifying the statement about government control?

Hon. Mr. Wishart: I would think that the control, the management, the direction, however it is done, would be done by the provincial governments, the same as was given to the government in the lottery section. I cannot express any government policy because we do not have that power and therefore cannot frame the policy until, if and when it is given to us. So I have not any change of attitude there whatsoever, and I think that should be clear.

The member for York South—this is in the same section—said the police forces “are aiding and abetting organized crime through bookmaking.”

Mr. MacDonald: In winking at it.

Hon. Mr. Wishart: In winking at it. He is not usually given to such damning statements as that, to damn the police and the Attorney General in saying they are aiding and abetting crime. Those were his words. “Aiding and abetting organized crime.” I have indicated the difficulties we have of getting proof, the difficulties in the law which in my view is not clear and does not go far enough in the Criminal Code, and I have indicated the difficulty of getting evidence. I have indicated the actions which are now before the courts in pursuing this matter. That is not aiding and abetting organized crime.

Mr. MacDonald: I should think that the fact that there are so many betting shops opening up would alarm you.

Hon. Mr. Wishart: I will come to that. I remember when the hon. member raised that in the House about three years ago or perhaps longer.

Mr. MacDonald: Five or six.

Hon. Mr. Wishart: Well, I have been here only six years and three months. I remember him raising it when I was in this office and in the House. The section which would govern that is again 177. “Everyone commits an offence”—and it goes down to the subsection that deals with that:

—who willingly and knowingly sends, transmits, delivers or receives any message by radio,—

that is the situation I think the hon. member is referring to:

—telegram, telephone, mail or express that conveys any information relating to book-making, pool selling, betting or wagering that is intended to assist in bookmaking, pool selling—

Now, the intention comes in there, and if the hon. member—I know he knows considerable about the law, although he is not a lawyer. There is nothing wrong in publishing the results of the race; it is the intention to aid and assist in bookmaking. This is the law again.

We can only deal with the law as we have it, and when you say the court gets us off the hook I can only say that I have to accept the court's decision, the same as every other citizen. And if their decision gets us off the hook or favours our view or is against it, I must accept it whichever way it falls, subject to appeal. We do appeal when we feel we have the chance of taking it to success; this we have done in this very field.

So I must say that I do not know how one deals with it when you charge the Attorney General and the police forces with aiding and abetting crime. I just have to reject that. I could be very much inflamed and use some extravagant language in denying that. I certainly deny it; I reject it. I do not think the hon. member really means—

Mr. MacDonald: Just in case there is any misunderstanding—

Hon. Mr. Wishart: I do not think he means that this minister sitting here is aiding crime.

Mr. MacDonald: All I am saying is that there are tens of thousands of people who know there are places where bets can be put with bookmakers—they do it every day; they know where they are—and I wonder

how the police forces cannot track down such open and blatant violation of the law if there was a will.

Hon. Mr. Wishart: I will accept the hon. member's statement that there are many places probably engaging in this activity. I pointed out the difficulty in getting the evidence. Here is a man who writes to the hon. member for Downsview and sends me a copy of the letter. And he says, "I bet and I bet and I paid and I paid and what are you going to do about it?" But he does not sign his name and he really is not interested in other than just getting his full amount back.

Mr. Singer: He says where it is going on.

Hon. Mr. Wishart: Yes, but then you—

Mr. Singer: I gave you another address where it was going on.

Hon. Mr. Wishart: Well, we have that information; perhaps we will be able to get that. But I do not think his prime purpose was investigation; he was really—

Mr. Singer: He was annoyed that they were charging him 10 per cent.

Hon. Mr. Wishart: That is right.

Interjections by hon. members.

Hon. Mr. Wishart: Perhaps the answer is—

Mr. Ben: Can you not lay charges?

Hon. Mr. Wishart: We cannot lay charges until we get the evidence ourselves. That man did not give us evidence. He did not sign his name.

Mr. Ben: A statement was given to you that this was going on!

Hon. Mr. Wishart: We have 26 charges before the courts right now.

Mr. Ben: These addresses here—

Hon. Mr. Wishart: I cannot be sure of that particular place. I can find out for you, but we will get that evidence if that is going on.

Mr. Ben: Do you know whether or not those two addresses are in Canada?

Hon. Mr. Wishart: I can get that for the hon. member. I am quite sure they were, but I—

Mr. Ben: When were the charges laid?

Mr. MacDonald: You are getting lost in the race. There are 26 more new off-track betting shops that have been opened since you laid those 26 charges.

Hon. Mr. Wishart: How many policemen do you want me to have on my force?

Mr. MacDonald: As I said before, if there is a strike situation there are a dozen police there to anticipate the possibility of crime. When you know there is crime going on—do you think these betting shops are operating as—

Hon. Mr. Wishart: I can only point out the state of the law.

Mr. MacDonald: No crime—

Mr. Chairman: Order.

Mr. Ben: Did you lay 26 charges or did you charge 26 persons?

Hon. Mr. Wishart: Twenty-six charges and they may be—

Mr. Ben: You charge one individual.

Hon. Mr. Wishart: I am sure there are a number of persons. There may be 26 different persons. I do not have that information here.

Mr. Ben: Can you tell us—

Hon. Mr. Wishart: I do not have it at my fingertips.

Mr. Ben: Another question comes out of your office. Did you check out when your people made these raids—your people or some other people? Did they seize records? Did they check to see whether the money was getting to the track?

Hon. Mr. Wishart: First of all, they are not really my people. They are—

Mr. Ben: All right.

Interjection by an hon. member.

Hon. Mr. Wishart: No. If these are Metropolitan police force personnel—

Mr. Singer: This was in Oshawa.

Hon. Mr. Wishart: That would be Oshawa police. All I say to you is, in the state of the law, the police do the best they can to get the evidence, with the force we have at our disposal in this province.

Mr. Ben: Was that one in Oshawa, the one where the police say that they got—

Hon. Mr. Wishart: I do not think I can add anything to that matter. I do want to deal with one further matter. The hon. member for Sarnia spoke about the police situation with the regional government of Muskoka. He had considerable comments to say about that.

Mr. Bullbrook: I had considerable in the House.

Hon. Mr. Wishart: In the House and here tonight, briefly. I just want to touch it, briefly, too. We have had regional government of Niagara and Welland, in which the pattern was quite different, in which were set up certain police commissions and one overall overriding police commission which will eventually do the policing there as a local board of police commissioners. In Muskoka, the Ontario Provincial Police, before regional government was proposed or implemented, already policed that whole district with the exception of three towns, Gravenhurst, Bracebridge and—

Mr. A. R. Dick (Deputy Minister of Justice): Huntsville.

Hon. Mr. Wishart:—and Huntsville. These are small police forces and over the past five years we have been moving to assist municipalities and to provide more efficient and better policing with these two objectives, to relieve the municipality and to provide a more efficient policing by giving the Ontario Provincial Police the responsibility without cost to the municipality.

Here were three small municipalities, I think with a five or six-man force, or something of that nature. In the ordinary course of events, without regional government at all, we would have been policing those municipalities, I am quite certain. We do not force it upon the municipality, but the option is open to them that as soon as we are equipped and able with personnel we will take over the policing of the small forces in the small municipalities. I know that the hon. member's concern is probably one that I think he expressed very strongly.

But I think he has undue concern here because the Ontario Provincial Police is responsible through the commissioner to the Ontario Police Commission and through the Ontario Police Commission to the government. So I do not think we are getting into a police state, because in great areas of this province our Ontario Provincial Police force does the policing. As I say, more and more

we were moving to giving them that responsibility in the small municipalities.

Whether regional government had arrived here or not, this situation, of which the hon. member expresses some concern, would have come about. I just say this, Mr. Chairman, the member for Lakeshore covered a tremendous area and I—

Mr. Bullbrook: I thought you were finished.

Hon. Mr. Wishart: I am just going to say this; I am not going to discuss his points. They are noted; they will be in *Hansard*; I made voluminous notes and he was very voluminous in his comments last week and this week. I will not have to deal with them. He is not here tonight, but there are a number of things which I think deserve consideration and I shall be giving them consideration.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I want to get on a different subject. About a year ago—

Mr. Chairman: Is there any further discussion on this subject? The member for Humber, then the member for Downsview.

Mr. Ben: Yes. Mr. Attorney General, could you tell us tomorrow the number of people who have been charged, say, during the last six months, with bookmaking, and how many were charged in the six-month period before this off-track messenger service came into being?

Hon. Mr. Wishart: I shall try to get that information for you.

Mr. Ben: And, also, you can let us know whether you made 26 charges, or if there were 26 people charged, and whether or not those two addresses that the hon. member for Downsview—

Hon. Mr. Wishart: Just let me say this. This letter has been read. This anonymous letter giving us this information is now public. It is just one illustration of how difficult it can become for the police when you display the information. It handicaps an investigation. However, this is not—

Mr. Singer: I had hoped it might handicap the operation of all new shops to the point where they would stop operating.

Hon. Mr. Wishart: The hon. member said this is Oshawa and he gave the address—

Mr. Singer: I gave the address—

Hon. Mr. Wishart: Now they will be very cagey about who they make a bet with, perhaps, down there.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, about a year ago I made some public remarks to the effect that I thought it was an unfortunate announcement made by the Metropolitan Toronto Police Commission that they were going to acquire certain souped-up vehicles in order to chase people in automobiles for a variety of offences. At that time, those remarks received some substantial publicity and I had hoped that the publicity attached to the announcement and the criticism of it would have given the Metropolitan Toronto Police Commission cause to reconsider their decision.

However, some time later apparently they acquired a car known as X-1, a 1969 Plymouth Fury, powered by 440-cubic-inch Magnum engine, geared for acceleration, equipped with special anti-sway bar, and rated at 125 miles per hour.

A few days ago, or a few weeks ago, the newspapers featured a story about a 105-mile-per-hour chase along the Gardiner Expressway. One newspaper talked about "105-Mile-per-Hour Chase Along the Gardiner Ends in Arrest". The second one talked about "Cars Clocking at 105 miles an Hour in Chase on Expressway." The *Globe* saw fit to write an editorial headed "Hot and Bloody Pursuit". On the particular occasion one of the stories goes on this way:

Near Coxwell Avenue, the police cruiser nosed ahead of the Pontiac—

That is the car they were chasing.

—and forced it to the curb. The driver braked and attempted a U-turn, hit a Volkswagen station wagon moving in the opposite direction and driven by Johann Puchtinger, 35, of Islington Avenue North, then on into a hydro pole. Mr. Puchtinger's wife, Ursula, and two children, Petrine and Dagmar, were taken to the East General Hospital, treated for shock and bruises and released. Mr. Puchtinger was also released after his neck was x-rayed.

I hasten to add that the people in the Volkswagen station wagon were innocent passersby who were proceeding on their own business and were caught up in this unfortunate incident.

Fortunately, all that happened to them was that they had to go to the hospital and they were subsequently released. What worries me very considerably, Mr. Chairman, is that this happened notwithstanding the control the Attorney General has in subsection 2 of section 39 (b)—and from the remarks earlier the Attorney General admits he has this control. Subsection 2 says:

Subject to the approval of the Attorney General, the commission may by order regulate or prohibit the use of any equipment by a police force.

I would think that the power is there to control this kind of activity.

I think it is a very tragic thing that we allow our police forces to use this kind of vehicle. It obviously invites disaster. There must be other methods of apprehending people. It mentions the young man here. He was charged with criminal negligence, driving with more than .08 per cent alcohol in his blood, and impaired driving.

There must be other methods in this day of modern communications where, by use of roadblocks and so on, people like this can be apprehended. Even at worst, it would seem to me that when somebody is driving a vehicle in this manner, chasing him or the apprehension of him by a souped-up car such as the X-1 is going to produce such a violent danger to the innocent public that perhaps it would be better to let him get away.

The *Globe*, in its editorial, said:

Certainly the X-1 was not outpaced by the car it was pursuing and its 440-cubic-inch engine pushed it to 105 miles per hour before the chase ended. The end came with a crash as the car which had been pursued collided with a station wagon sending four of the occupants to hospital. Two children were among those treated for shock and bruises. Fortunately, there were no serious injuries.

A triumph of law and order? We do not think so.

Nor do I, and I would say, Mr. Attorney General, that the time has come when you should say in clear and unmistakeable language that we will not tolerate the use of this kind of equipment by our police forces in a manner that is bound to result in danger and serious injury to innocent members of the public.

Mr. Chairman: The member for High Park.

Mr. Shulman: Last week when the Clinton Duke case came up I raised the matter of

him applying to the local police for a gun licence. The Attorney General, at that time, said that was within the power of the provincial police only. Since that time I have been in touch with the Metropolitan Toronto police and they tell me that that is not so, that they issue gun licences. I would like to know what the situation really is.

Hon. Mr. Wishart: I do not think I said that this was within the power of the provincial police only—I do not believe I said that; that was not my understanding.

It used to be in the hands of the local police chiefs of the various forces. I think it is just a few years back that that was changed—1965. The chiefs of the five large metropolitan cities—Toronto, Hamilton, Ottawa, London and Windsor—have the power to issue licences.

Other applications are usually made locally, I think, and come in through the local force to the Ontario Provincial Police, where there is a registrar—a person holding a particular function there—to issue these licences. This was not the case up until 1965, when they were issued by local chiefs on local forces everywhere throughout the province.

Mr. Shulman: Just to complete this one point in the Duke case. Is it not correct that he went to the local chief of police who refused to forward it on?

Hon. Mr. Wishart: I will give that answer fully because I want to be exact. I had an investigation on that. I will get that information.

Mr. Singer: Mr. Chairman, on a point of order. I quote from *Hansard*, page S-544:

Hon. Mr. Wishart: First of all, under the regulations related to the gun licence, these are now issued by the OPP—the chief could not issue him the gun licence.

Hon. Mr. Wishart: Not in Oakville, no.

Mr. Singer: That is what you said. I have just quoted your words.

Hon. Mr. Wishart: That is quite right. Quite correct.

Mr. Chairman: The minister did say, however, that he now proposed to give a complete statement.

Hon. Mr. Wishart: He could not in Oakville or Burlington, because it is only in the five large metropolitan areas where the chief has that power. Unless it was prior to 1965.

Mr. Chairman: The member for Humber.

Mr. Ben: Yes, Mr. Attorney General. What my friend, the member for Downsview, has described as happening a year ago undoubtedly happened a year ago, but I want to assure you that it also happened a couple of months ago.

I had occasion to appear in the magistrates court to defend a man—legal aid, I would like to point out—who was charged with criminal negligence. He had in fact been going 105 miles an hour being pursued by this souped-up car that my friend referred to. I had a discussion with the individual. I asked him how he came to be speeding.

He says that this fellow kept on challenging him to race, so he raced and he was going 105 miles an hour until the fellow came abreast of him and flashed a police sign. Then he slowed down.

After discussing the matter with him and everything else, I pointed out to him that if he was charged, I could probably get the charge reduced to careless driving and the fine would be less than for a charge of going at 105 miles an hour.

Well, he pleaded guilty but he pointed out that he was induced to go at this rate by being challenged by what to him was a fellow who wanted to race in a souped-up car.

I expressed my opinion to the magistrate that I was very perturbed by the conduct of the police and I want to tell you, Mr. Attorney General, that outside that courtroom we had such a row—that policeman and I and all his cohorts there—about this business of using these souped-up cars, that people even came out of some of the other courts to listen.

Interjections by hon. members.

Mr. Ben: I said if I ever heard again of this thing—I did not know of the previous incident, I thought this was new; I did not know about what my friend brought up just now—I told him that I was going to go to the police commission and lay charges against him, that is a police officer.

He denied inducing him to race, but all I can say is that when a man says to me, "Mr. Ben, I was doing 105 miles an hour and I could not deny that I was doing 105 miles an hour and I am prepared to plead guilty but, by jove, I was going because that man got me to race", then I am inclined to believe him. You can say what you want. What business has a policeman to chase anybody at 105 miles an hour along the Gardiner Expressway?

Mr. Chairman: Shall vote 911 carry?

Mr. Singer: No.

Mr. Ben: As soon as he caught up to him, he stopped.

Mr. Singer: I would just like to hear the Attorney General's comments on this souped-up car business.

Mr. Chairman: It is 10.30. If we can be brief on it, maybe it is worthwhile, but otherwise we should adjourn until tomorrow. Is it agreed to we stand by for a couple of minutes?

The hon. minister has the floor.

Hon. Mr. Wishart: Mr. Chairman, almost any stock car that is manufactured today will go 105; most of the speedometers are marked up to 120. I do not know why the metropolitan police force got this special car with special qualities, but I presume it was to test its performance to see if they could use it in their work. Perhaps they will have the opportunity to use it.

I certainly do not approve of, or suggest, that this should be used in the pursuit or the hot pursuit at dangerous speeds of the speeder or the person who has committed some minor infraction of the law—and that would go quite a way into criminal offences.

I do think that this is a situation again where police have to use their discretion, because if it is a dangerous criminal who is escaping, there must be some point of decision to decide whether it is better to let

that criminal escape to wreak havoc on some other member of the public or to catch him and take the risk that is involved in that. In something perhaps like a simple break and entry, the police might have to decide whether it was a dangerous type of thing to apprehend that person or whether he was dangerous.

I think again you cannot say that never shall the police be entitled to pursue a criminal. It depends on the crime; it depends on the state of the traffic; it depends on the area in which it has taken place and it depends on whether there is a pattern of this type of thing and how serious the crime is. I think the hon. members must surely agree with me that you cannot lay down a hard-and-fast rule. But I would say certainly—and I think the police forces are generally aware and learning from experience—that the public does not approve of or condone the dangerous hot pursuit, the high-speed race. I think they will observe this. I do not think you can say to the policeman, "Never go after that criminal with all the effort you can."

Mr. Ben: These guys are going 60 miles an hour or 55 miles an hour, until this fellow comes up—

Mr. Chairman: Gentlemen, this meeting stands adjourned until 3.30 of the clock tomorrow afternoon when we will resume with vote 911.

The committee adjourned at 10.35 o'clock, p.m.



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Tuesday, June 23, 1970

Afternoon Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 23, 1970

The committee met in committee room No. 1 at 3.40 o'clock, p.m.; Mr. A. K. Meen in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND THE ATTORNEY GENERAL (continued)

Mr. Chairman: Gentlemen, I call the meeting to order. We have as substitutions filed with me at this time, and those will be effective for this afternoon, Mr. Villeneuve for Mr. Boyer; Mr. Shulman for Mr. Deans; Mr. Whitney for Mr. Dunlop; Mr. Carruthers for Mr. Hamilton; Mr. Kennedy for Mr. Johnston (St. Catharines); Mr. MacDonald for Mr. Lawlor; Mr. Belanger for Mr. Price; Mr. Gilbertson for Mr. Reilly.

When we adjourned last evening on vote 911, the hon. member for Downsview had the floor.

On vote 911:

Mr. V. M. Singer (Downsview): Mr. Chairman, there was one final point I wanted to raise on vote 911. I have a story here from the *Telegram* dated April 9 where reference is made to the purchase by the Metropolitan Toronto police department for \$1,000 of a piece of equipment called a pepper-fog-tear-smoke generator which is a pretty imposing machine. There is a picture of it here with a policeman spraying whatever he sprays out of this \$1,000 machine.

Mr. Chairman: Pepper-fog, I gather.

Mr. Singer: Pepper-fog, I guess. Then there are various descriptions of the effects of this machine, including a quote from the Attorney General written by his favourite columnist:

Attorney General Arthur Wishart, who has forbidden the use of Mace, which is tear gas in aerosol cans sprayed directly at the intended victim, said: "I am sorry, I will have to read up on this before I can make any comment."

The description of this machine is a pretty frightening thing. The machine apparently is designed to spread tear gas out-of-doors in a way that tear gas has never been used—in the history of this jurisdiction in any event.

I just do not understand, in line with the control that the Legislature gave to the Attorney General and to the Ontario Police Commission, why this kind of machinery is necessary and is allowed without the Attorney General having any opinion. I think it is a dangerous machine, I think it is an unnecessary machine and I think it could do great harm to many innocent people. So I wonder if the Attorney General has had a chance since April 9 to investigate the ramifications of this machine and whether he has any opinions as to whether or not it should continue to be used.

Hon. A. A. Wishart (Minister of Justice): Mr. Chairman, I think the best answer I can give is to say that in those regulations which we prepared last year following the legislation permitting me to have the regulations approved, the regulation with respect to police equipment, section 12 thereof, says:

Gas and chemical weapons: Subject to subsection 2 no member of a police force shall use any gas or chemical weapon.

And then subsection 2 says:

The use of the substance commonly known as tear gas is permitted, provided it is not applied intentionally in concentrated form directly to the person.

All I could say is that if that machine is to be used, they cannot use any gas or chemical weapon except tear gas and that must be applied in such a way as not to be applied intentionally and directly on the person.

Mr. Singer: The whole point of the article is that the machine may be dangerous to the public.

Hon. Mr. Wishart: I have this further to add. I have a note that the Metro police commission requested approval from the Centre of Forensic Sciences on the condition that they would use tear gas only in accordance with these regulations.

Mr. Singer: The whole point of this column is the concern and I share it, Mr. Chairman, summed up in one paragraph here. The writer says:

The pepper-fog machine is designed to spread rolling clouds of tear gas or other irritants amongst crowds out-of-doors, which raises the immediate risk that these heavy clinging gases will drift on the wind into the faces of the innocent through the windows and doors of nearby buildings.

Hon. Mr. Wishart: That is not applying it directly on the person.

Mr. Singer: It may not be applying it directly on the person but if it spreads the clouds of gas in the manner that is described and in the manner which would appear to be indicated by this picture here of the policemen using it, it would seem to me that there is real danger of it affecting innocent people. I would think that there should be some kind of a general rule that, where there are new kinds of equipment such as this being studied or being mooted for use, they should not be allowed to be purchased until the Attorney General, or the Ontario Police Commission on the advice and with the consent of the Attorney General, says, "Okay, they can be used and they are in keeping with our general ideas of law enforcement." There just does not seem to be anything like this concern in relation to this tear gas fogger that has been purchased.

Hon. Mr. Wishart: I still can only say that the regulation is very clear, concise and definite in its language. It does permit the use of tear gas provided it is not sprayed intentionally, directly on a person, so that to roll up a cloud of tear gas is a permissible thing. It may drift and come in contact as a fine spray with persons who do not retreat, but that is within the regulation and we consider that—

Mr. Singer: But does the regulation not beg the issue?

Hon. Mr. Wishart: I do not think it does.

Mr. Singer: The regulation is not definite enough. It would be my opinion, as I read about this, and as I hear the Attorney General's explanation, that this machine is designed to so spread the flow of tear gas that it can get far beyond the crowd that is being worried about—the people who are causing the disturbance, and it can affect all sorts of innocent people who may be in their homes or may be in apartments or may be a few blocks away. This is the kind of investigation I would have hoped would go on and that the minister would not try to cover it with fairly vague regulations such as the one—

Hon. Mr. Wishart: No, they are not vague at all. They are very definite. I suppose any disposition or distribution of gas can move, on the air currents or wind, to beyond a particular area, but I would question whether the fact that it gets into apartments or whether it goes long distances is a matter of the manner in which the equipment is used.

Mr. Singer: I see. Does the Attorney General know how many tear gas foggers are owned by police forces in Ontario?

Hon. Mr. Wishart: No.

Mr. Singer: Does he know if any of them have ever been used?

Hon. Mr. Wishart: I do not know.

Mr. Singer: Has he or the Ontario Police Commission ever seen one used?

Hon. Mr. Wishart: I do not know about the police commission; I have not.

Mr. Singer: No. Well, the answers speak for themselves. I have nothing more to say.

Hon. Mr. Wishart: I have seen tear gas used.

Mr. Singer: I am not talking about tear gas. I am talking about this machine and I would think that the Attorney General, or his advisers, should have far better knowledge of the usefulness of this machine and the possible dangers arising out of it before he gives an answer of the type that he gave this afternoon.

Vote 911 agreed to.

On vote 912:

Mr. Chairman: Gentlemen, vote 912 has a number of subheadings and it would appear to me to be practical to deal with this one the way we have dealt with some of the others—namely under each heading, *seriatim*. At the beginning the minister has a statement which he wishes to make and then I have on my list the member for Downsview and I will pick up other members as we go along from there.

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman, regarding the particular order in connection with the vote, I recognize that you would want to continue the practice of us indicating to you our desire to speak. Recognizing that there is going to be some type of reciprocity to the statement, I invite your considerations of some elasticity in permitting questions as they come up.

Mr. Chairman: I might say to the hon. member that I recognize that having regard to what may be a fairly wide-ranging statement it would be only fair if the discussion that followed might have some elasticity in it too, and I will endeavour to extend the degree of elasticity necessary. Endeavouring to the maximum extent that I think we all can, if we apply ourselves to these various subheadings as we work our way down, I think we can do this much more efficiently that way.

Mr. Bullbrook: Thank you, sir.

Hon. Mr. Wishart: Mr. Chairman, I promised this committee that when we reached this vote, or at least some time in the course of the estimates of my department either here or in the House, I would make a statement once I had concluded an investigation particularly into the matters that were raised by the member for High Park (Mr. Shulman). I would now like to offer that statement, which is as follows:

I have now completed a very thorough investigation of the comments and allegations that were made by the hon. member for High Park in the course of his opening remarks on the commencement of the review of the estimates of The Department of Justice.

I have personally reviewed the statements from all of the persons who may have had knowledge respecting any of the allegations, and I have also perused the reports of the various persons which were made to me as a result of my direction that this investigation be carried out. Since these allegations were made in conjunction with the discussion of the complaint which was made by Mrs. Citron and the judicial proceeding which followed upon that complaint, I wish to state that the investigation has confirmed that the Ontario Provincial Police had nothing to do with that case, nor did any representative of the OPP have contact with any of the persons who were involved in either the laying of the complaint or its ultimate determination by the court.

The disposition of that matter was in the hands of the local police force, the Crown attorney and the judge, and it was in no way associated with the comments that were subsequently made as to the alleged associations between the Ontario Provincial Police and Clinton Duke.

In order that the allegations may be considered in a proper context, I feel it is necessary to deal generally with the background of Mr. Duke and the associations which it

has been suggested he has had with various persons.

The hon. member for High Park has already read into the proceedings the criminal record of Clinton Duke so that I need not repeat it here. However, I think it is relevant to our consideration of the allegations that I review briefly the affairs of this man since he was returned to Canada in 1942.

Upon his return to Canada he settled in Hamilton and during the war years he was secretary to the works manager of the Ordnance Department of Otis-Fensom Elevator Company. He married in 1945 and has a stepson. In 1947 he became connected with the Glen Purvis Company near Hamilton which handles small power equipment and he became the service manager of that organization and subsequently set up their sales department.

In 1948 he went into his own business of wholesaling power mowers and lawn maintenance equipment. He incorporated his business undertaking in 1955 as Duke Lawn Equipment Company Limited, and he remains as president today with his stepson as vice-president. This company has the agency for several American and Canadian companies selling equipment throughout Canada. The company is the distributor for various types of industrial and domestic equipment related to the care and maintenance of lawns and grounds. The company has, according to our information, in excess of 50 employees with sales representatives across Canada. It is estimated today that the company does an annual gross business in excess of \$2 million.

Since his return to Canada, Duke has conducted himself in what may be described as a businesslike manner, and apart from certain charges that were laid arising from the operation of his motor vehicle and certain liquor offences, there is no indication or record of any illegal activity. The man appears to have established himself in his particular business.

It has been suggested that Duke has had an association with Papalia, Gasbarrini and LeBarre. The latter men have criminal records and by reason of these records the police of various police forces are familiar with their activities and their associates. I am advised that information received from these various police forces indicates that there is no record of significant contact between either of these three men and Duke.

A statement was obtained from Clinton Duke in the course of this investigation. He admits being acquainted with the three men,

having met Papalia and Gasbarrini in the course of conducting his equipment business. He denies any association with them. It does appear that Duke has spoken with LeBarre at the Leander Boat Club in Hamilton—I might interject that I understand both are members there—but that contact would appear to be social in nature. Any contact other than that which I have mentioned would have to be based upon suspicion and not upon evidence.

Having given this description of Clinton Duke and his associations, I will now deal with the comments and allegations that have been made by the hon. member for High Park.

He has stated that Papalia has been a guest at the Duke home at the same time when there have been senior Ontario Provincial Police officials present.

Mr. M. Shulman (High Park): The same day, I said.

Hon. Mr. Wishart: I accept that correction.

As far as the officers of the Ontario Provincial Police are concerned, they have never been present when they have known that Papalia was present if, indeed, he ever was on the Duke premises, a fact which we have not been able to establish.

The hon. member has stated that Clinton Duke, under the name of Clinton Jones, maintains an apartment at the present time together with Johnny Papalia at 255 Bold Street in Hamilton; the apartment number is 607. The facts relative to the ownership of the building have already been described but our investigation reveals that the reference to the maintenance of the apartment is inaccurate. The investigation disclosed that Papalia does have an apartment at the address indicated and that apartment is on the sixth floor. Duke has been visiting at an apartment in the same building and that apartment is on the 14th floor, and it is listed in the name of Johnson. There is no evidence that Duke and Papalia share any apartment, nor is there any evidence that Duke had knowledge that the building was owned by a company of which Gasbarrini was president.

The hon. member then stated that "Commissioner Eric Silk has attended parties in Mr. Duke's home." He continued, and these are his words:

In fact, on December 11, 1968, two provincial police officers were shot and killed in Peterborough and on the day of the funeral Eric Silk and Superintendent

Al Wilson, of the provincial police, both attended a party at Clinton Duke's home.

This is completely untrue and without any foundation in fact. The funeral services for these deceased officers were held and Commissioner Silk was in attendance at the funerals. But he was not at Duke's home, or associated in any way with Duke, nor was Superintendent Wilson. It is suggested that Papalia visited Duke's home on the same day with the obvious inference that Commissioner Silk, or Superintendent Wilson, or both of them, were in Duke's home in association with Papalia, and this is without foundation.

However, the commissioner, together with three other officers and their wives did attend very briefly at the Duke home subsequent to the funeral of another officer of the Ontario Provincial Police, but in a significantly different context and at a different time than that which has been presented by the hon. member.

On March 29, 1968, the daughter of Superintendent Wilson was married to a member of the Ontario Provincial Police. Many of the officers and men of the force were in attendance at the wedding. The commissioner on that date did not know Clinton Duke and was not aware of his criminal record. The wife of Superintendent Wilson and Mrs. Duke were acquainted through a service club in the area and the Dukes were for this reason invited to the wedding. Subsequent to the invitation being extended to the Dukes, Superintendent Wilson on March 19, 1968, became aware of Duke's criminal record through a review of the registration of the firearms owned by this man. Superintendent Wilson, however, did not communicate this information to the commissioner, nor did he revoke the wedding invitation which had already been accepted by the recipients.

At the reception following the wedding, the Dukes sat at the table which was occupied by several persons, including the commissioner and his wife. This was the first occasion on which Commissioner Silk had ever met Duke.

The hon. member was suggested that Superintendent I. R. Robbie was killed on his way home from a party at the Duke home. This was not so.

Mr. Shulman: No, I corrected that the very same day. I said it was a party at the Holiday Inn, so please do not mis-state what I said.

Mr. Singer: That is what you said—

Mr. Shulman: Just look on the record. I do not have a copy here.

Mr. Singer: You said it originally and subsequently corrected it.

Mr. Shulman: I corrected it.

Hon. Mr. Wishart: I will accept that it was subsequently corrected. I will insert that in the record then that that was subsequently corrected.

It is not so, in any event, that Superintendent Robbie was killed on his way home from a party at the Duke home. Superintendent Robbie was, in fact, struck by a truck and killed on March 30, 1968, when he was returning from the wedding reception held at the Holiday Inn, Oakville, following the marriage of the daughter of Superintendent Wilson. The funeral services for the deceased Superintendent Robbie were held on April 2, and Clinton Duke attended those services as did Commissioner Silk, Deputy Commissioner Whitely, Superintendent Wilson and the then Superintendent Rodger, the men being accompanied by their wives.

After the funeral services the Dukes invited the four named officers and their wives to break the return trip to Toronto by stopping in at the Duke home in Burlington for refreshments. The invitation was accepted and the four officers with their wives did have a brief visit at the Duke home on the return trip to Toronto from Dunnville.

While the hon. member did not mention it, it must be noted that the commissioner, in returning this hospitality, invited Duke to have lunch with him in Toronto the following week and that luncheon engagement was subsequently held and several of the officers also accompanied the commissioner at that engagement. Neither Mr. Silk nor Mr. Whitely have seen Mr. Duke or been at his home since that time.

These three associated occasions represent the full import of Mr. Silk's contact with Clinton Duke—those occasions of the wedding reception, the funeral and the reception after, and the luncheon engagement.

Before turning to the allegations respecting the association of other people in the Ontario Provincial Police with Duke, it should be noted that Duke in his statement indicates that he did return from the Bahamas to attend the wedding of Superintendent Wilson's daughter.

In describing the circumstances relative to the association of men in the Ontario Provincial Police with the Duke business operation, it is necessary to point out that, because of the nature of the business, the company held an annual "lawnorama" in the early fall which

was usually followed some weeks afterwards by a barbecue.

The "lawnorama" conducted by the company was an opportunity to demonstrate the products of the company upon the estate of the president and refreshments were served from a large tent with virtually hundreds of people being in attendance who represented the large clientele and prospective clientele of the company. The barbecues which were also held in the fall were not as largely attended but were, according to our informants, attended by a substantial group approaching one hundred persons. These again were held on the estate of the president of the company.

It is also necessary, for a full understanding of this matter, that we be aware of the policy of the Ontario Provincial Police in purchasing their equipment at the lowest possible price consistent with the quality of the equipment. This particular company dealt in a high quality line on a wholesale basis that resulted in material advantages to any organization which has extensive ground maintenance responsibilities.

The Ontario Provincial Police had for many years made comparisons respecting all requests for ground service equipment and because of the low and competitive prices provided by this company, it did supply some of the lawn mowing equipment acquired by the Ontario Provincial Police. For this reason, there was contact between representatives of the Ontario Provincial Police and the representatives of the company in the course of the conduct of this business.

In the investigation which I have caused to be conducted, it would appear that approximately nine officers have attended approximately 18 of these equipment demonstration parties or barbecues. The only other attendances at the Duke property of which we have record are those which I have already noted of the four men who visited briefly at the Duke home subsequent to the Robbie funeral. Other contacts were the luncheon engagement and a single instance when Duke and his son dropped in at a Christmas party that was being held by an Ontario Provincial Police officer at his home some time ago.

May I note again that all but two of these social contacts arose prior to the commissioner having knowledge of the criminal record of Duke.

The first intimation the commissioner had of this record was in August of 1968 when the question arose, by pure chance, from the recollection of one officer who then expressed a comment that generated a review of the

criminal records. Upon receiving this information, the commissioner instructed an assistant commissioner who advised the superintendent involved that no further social contact was to be had with Clinton Duke and that such information should be conveyed to the men in the district. At that time Wilson was an inspector in the district under Superintendent Rodger.

It does appear from the investigation that the instructions given by Commissioner Silk were not conveyed to every member of the district staff and I am concerned that these orders were not given the appropriate attention at that time in the field. Superintendent Rodger and Superintendent Wilson did attend a barbecue at the Duke home with their wives subsequent to receiving the commissioner's order. This phase of the matter is being followed up by the commissioner.

On the last Friday in June, 1969, a party was held in Hamilton on the occasion of Superintendent Rodger's promotion and posting to Toronto. Admission was by ticket and Clinton Duke and his wife purchased tickets and attended that party where they had social contact with those in attendance, including Superintendent Rodger.

To move on to several of the other matters that were raised by the hon. member, we find the suggestion that the then Sergeant-Major Wilson was transferred from London to Burlington at the request of Duke. Because of a necessity to transfer the sergeant-major at London to another area, Sergeant-Major Wilson, who was then stationed at Burlington, was transferred to London, but, at the time, he was advised that this would be on a temporary basis and he was instructed that he should not move his family as he would be returning within a period of months to Burlington.

This move was anticipated by the senior officers at that time because of a change and because of promotions that were then being contemplated in a revision of the personnel in the Hamilton area. These plans were subsequently completed and in accordance with those plans, Sergeant-Major Wilson returned to Burlington and was promoted to inspector. The transfer of Wilson was, therefore, completely proper and without any of the sinister connotation that has been suggested.

The suggestion that Staff Sergeant Haughton had tended the bar at some of Duke's parties is without foundation. We have found no indication that he or any member of the force had done so.

Mr. Shulman: I made no such suggestion, why is that in here?

Hon. Mr. Wishart: There was a reference by another member.

Mr. Singer: That was alleged by the member for Grey-Bruce.

Mr. Shulman: According to this the minister is supposedly going over the things I have said and I wish he would make that clear.

Mr. D. C. MacDonald (York South): Rather a sloppily prepared statement when you have three inaccuracies so far.

Hon. Mr. Wishart: It is not an inaccuracy.

Mr. MacDonald: It is an inaccuracy. You are attributing it to the hon. member for High Park when obviously it is not his statement.

Mr. Bullbrook: This is a serious matter. Surely we are not going to belabour it with comments like that. Goodness gracious!

Mr. Chairman: I will open the meeting for general discussion when the minister has completed his statement.

Hon. Mr. Wishart: The suggestion that Staff Sergeant Haughton had tended the bar at some of Duke's parties is without foundation. We have found no indication that he or any other member of the force had done so.

In the course of the investigation it was noted that one member of the force had rented a house from Duke for a period of time up until January, 1967, and that another member lives next door to Duke's step-daughter. These facts are surely without any of the sinister connotation that has been suggested.

Mr. Shulman: Who has suggested that, if I may ask, Mr. Minister?

Hon. Mr. Wishart: These were things that came forth in the course of the investigation. The hon. member has made reference to the sponsoring of the Ontario Provincial Police softball team by the Duke company and this was the case in 1969. The constable who was organizing the ball team had no knowledge whatsoever of Duke's criminal record and knew him only as a businessman in the community.

After an assessment of \$5 was made upon the members of the ball team, it was decided by the men that they would do as other of the teams in the league had done and obtain a

sponsor and the Duke company—and I stress the word “company”—agreed to this when approached by the constable who is managing the team. When the constable became aware of the instructions that had been given by the commissioner, the sponsorship was given up. The team now sponsors itself.

The hon. member took what purported to be great pains in describing an incident whereby it was suggested that Superintendent Rodger had attempted, in some sinister way, to influence Mrs. Citron with respect to her complaint. This has been most thoroughly investigated through the unidentified mutual friend to whom the hon. member made reference. In fact what transpired was that Superintendent Rodger called upon a friend of 35 years standing, Mr. Leo Slattery, to have lunch with that gentleman as was quite usual in their friendly relationship.

While they did not go to lunch, they did have a discussion. Mr. Slattery indicated that Mrs. Citron made dresses for Mrs. Slattery and that in the course of discussion of the then current topic, Mrs. Citron had expressed to Mrs. Slattery her suggestion that officers of the Ontario Provincial Police were somehow influenced by Clinton Duke and that Clinton Duke had bragged of his influence with the Ontario Provincial Police. At the same time, Mr. Slattery indicated some concern about the complaint made by Mrs. Citron and he was interested to know whether the matter was being looked into by the authorities.

Superintendent Rodger at that time indicated to Mr. Slattery that he had no personal knowledge of these circumstances but that he would check with the commissioner of the Ontario Provincial Police to see if anything properly might be done if, indeed, there were any difficulties in the laying of the complaint. Superintendent Rodger subsequently spoke to the commissioner and thereupon realized that the Ontario Provincial Police had nothing to do with the complaint but his real concern and that of the commissioner was, of course, with the allegation that there was some relationship between the Ontario Provincial Police and Duke of the nature described by Mrs. Citron.

The commissioner thereupon instructed Superintendent Rodger to interview the members of the force in that area and establish whether there was any foundation for the allegations. Superintendent Rodger did so and then upon being satisfied that there was no such influence being exerted, he advised Mr. Slattery. Mr. Slattery at that point then

inquired as to whether or not Superintendent Rodger wanted to speak to Mrs. Citron and Superintendent Rodger emphatically denied that he wished to do so and, indeed, felt that it would be inadvisable in the light of her allegations.

Mrs. Citron had also communicated to the Slatterys a suggestion that some member of the Ontario Provincial Police had received some kind of equipment from Duke and that somebody in the Ontario Provincial Police utilized the Nassau home that Duke maintained in the Bahamas. Both of these allegations were investigated and no indication could be found that either suggestion was based upon fact.

Progressing further with the hon. member's allegations: he raised the inference that the Ontario Provincial Police issued a licence to carry a weapon to Clinton Duke after the local police had, in fact, refused it. The records show that a permit to carry a firearm in Form 42 was issued to George Clinton Duke on January 4, 1965, by Chief F. W. Oliver, the chief of police of Oakville. This permit bears Serial No. 48304. It should also be noted that an earlier permit had been issued by the same chief of police to the same man on April 2, 1963, for the purpose of target practice and protection.

It is now relevant to note that in 1965, I revoked all the outstanding authorities which had been issued some years before and under which any chief of police in this province could issue a permit to carry small arms. Under the new arrangement, only the local registrar of firearms in the Ontario Provincial Police, together with the five chiefs of the five larger metropolitan areas, that is London, Hamilton, Ottawa, Windsor and Toronto, could have this authority.

By virtue of this, of course, Chief Oliver could not issue the permit—that is the more recent permit—and the application for the renewal of the permit had to be made through the OPP. This permit was renewed and extended until December 31, 1969, when the permit was revoked as a result of the incident arising from the complaint of Mrs. Citron.

Much has been said as to why associations would be permitted with knowledge of the associates that were alleged to have been maintained by Clinton Duke. I indicated at the very outset of my comments that our investigation has disclosed no criminal activity on the part of Duke which would have warranted any concern by the police since that man returned to Canada in 1942.

I think it must be obvious to any person that long past criminal records of individuals are not kept constantly before the minds of police officers. Such records are only brought forward when there has been some cause for comment such as has arisen recently in this case and such as arose at the time of the Citron incident. The sinister connections which have been attributed to Mr. Duke and the language that has been used to describe them are general in the extreme. As I have already indicated the facts do not justify the conclusions or the innuendoes which have been reached as to Duke's association. Such comments must be based upon suspicion or unidentified comment.

When the commissioner became aware of the criminal record associated with Clinton Duke, he took all possible steps to ensure that the members of the force who might have contact be made aware of that record. He also actively endeavoured to remove the possibility of social contact. This was in the best interests, not only of Mr. Duke but also of the members of the force. In some instances, the communication of this order did not extend as far as I would have otherwise desired, and consequently, some people did not get this information in time to consider its relevance to their conduct. However, this phase of the matter is now known to the commissioner and he will be continuing his review of those systems which will prevent a recurrence of this faulty communication.

Having concluded my investigation, I would advise the hon. members that I continue to have every confidence in the integrity and honesty of the officers and men of the Ontario Provincial Police. There is nothing in the commentary which has been made by the hon. member which, in my view, justifies any allegations. There were social indiscretions in some of these instances but they arose without any of the sinister implications or bad faith that might possibly have been inferred from some of the comments which have taken place in this forum. Any matters of judgement have been reviewed in the light of the existing circumstances and I am sure that the men involved are perfectly aware of the views that have been expressed by the commissioner in the past and which have been emphasized throughout the present investigation.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I had asked to speak on this estimate possibly anticipating there might not be such a statement. For

the moment, I will reserve my remarks and let the member for High Park get on.

Mr. Chairman: The member for High Park.

Mr. Shulman: Frankly, I am sorry to say, I am not satisfied with the statement because there are too many inconsistencies in it. If I can just take a few of them to start with.

Mr. Duke was interviewed the day following my statement. What he said appeared in the press. I do not have a copy of it here. It was in the *Toronto Telegram*. And at the time, first of all, he denied ever having Mr. Silk in his home which, as we now find, is not true. He denied ever knowing Mr. Papalia, in fact he said: "What is that name; how do you spell it? I have never heard the name." Yet, I see here on page 4 of your statement, he admits being acquainted with the three men—that is Papalia, LeBarre and Gasbarrini. It disturbs me that he found it necessary to lie about this association and now admits it. Secondly—

Hon. Mr. Wishart: Mr. Chairman, can I interject? The hon. member is quoting some press story?

Mr. Shulman: Yes. A story, an interview that was given by Duke the day after this hearing, this estimate, in the *Toronto Telegram* at which time—and I do not know if the particular reporter is here but I have the clipping available—Duke denied first of all that Eric Silk had ever been in his home and he denied ever having met Papalia. In fact he said: "What is that name; how do you spell it?"

Hon. Mr. Wishart: I could make no comment on what may appear in the press. I assure the hon. member that we have conducted a most thorough investigation.

Mr. Shulman: I am not questioning this fact but we now find that he was acquainted with these three men who are very active in the Mafia.

Hon. Mr. Wishart: I put that on the record.

Mr. Shulman: By general agreement he was acquainted with Gasbarrini, LeBarre and Papalia. No one will deny that they are very well acquainted with organized crime, very well involved with organized crime. We now know that he was well acquainted with them. In fact, I will tell you that my source came from OPP files and this was well known for some lengthy time.

To go on. Point two. You state here:

Since his return to Canada, Duke has

conducted himself in what may be described as a businesslike manner and apart from certain charges that were laid arising from the operation of his motor vehicle and certain liquor offences—

You have not gone into any detail there. I am not sure what those liquor offences were or what charges were laid but I also am informed—and again from the same file—that Mr. Duke has been involved in numerous motor vehicle offences and a number of tickets were not issued and were not pursued. I understand the Attorney General has investigated that aspect of the matter. I wonder if he would care to give us the details on that and I would like to know why these particular matters were not proceeded with.

Point three. In the statement here, it is submitted that one of Mr. Duke's earlier aliases was Clinton Johnson. It states here in this statement somewhere that he visits an apartment under the name of Clinton Johnson. Has the Attorney General looked into the aspect?

Hon. Mr. Wishart: Yes.

Mr. Shulman: And what does that mean?

Point four. It is suggested here that Leo Slattery, who was not the in-between person by the way that I mentioned, says that Superintendent Rodger did not want to meet with Mrs. Citron. Mrs. Citron says that her intermediary, who was Mrs. Slattery, says exactly the opposite. Surely I think we should get that straightened out because that is a key matter. I think Mrs. Slattery should be called here.

Hon. Mr. Wishart: I have a statement from Mrs. Slattery, as part of my investigation.

Mr. Shulman: Mrs. Slattery.

Hon. Mr. Wishart: The fact that if Rodger had been wanting to see—he surely would not have refused to see—

Mr. Shulman: Mrs. Citron states that it was Rodger who wanted to set up the appointment and she would not set up the appointment unless it could be somewhere where she could get it taped. Now this statement here is an exact contradiction of that. I think it is very important to call Mrs. Slattery and find exactly where the truth is.

Point five. The thing that is most upsetting to me is that somewhere in your statement here you say that on March 19, 1968, Superintendent Wilson became aware of Duke's

past criminal connections. Yet we have situations after that date where provincial police are visiting with, or at Mr. Duke's home. Now this I find absolutely incredible.

What is Superintendent Wilson's position in that affair? Is there any statement from him? Is there any explanation from him? Finally, and most important of all, you have in your OPP intelligence files, information about the apartment on Bold Street. You have information about Duke's relationship with these men in the Mafia. You have the information about the people who were visiting his home. Why was the commissioner of police not aware of all this?

Hon. Mr. Wishart: I put this on the record here, the awareness—when Wilson discovered the knowledge of Duke's background, his record. I have indicated that I am not satisfied with certain of the contacts that were made afterwards.

Many of those contacts were with the Duke company on purchase of equipment. Those social contacts, I think, were pretty well discontinued when that record was discovered. But I have indicated that I am not entirely satisfied that the instruction went down from the commissioner fully and to the extent that it should have gone. This I admit.

Mr. Shulman: Leaving Mr. Wilson aside for the moment, although we will have to come back to that, why did the intelligence branch of the OPP not convey this information to the commissioner, which they had had for some considerable time? If they did convey it somewhere up the line, where did it get stuck?

Hon. Mr. Wishart: What information?

Mr. Shulman: The information about Duke's contacts with these various Mafia gentlemen and the fact that Duke was having contact with OPP officers.

Hon. Mr. Wishart: I have covered that in the statement. The only contacts were covered in the statement. I will use my own language now. The contacts were very general. They were in the way of slight contacts in the course of his being in the same community—no social activities, no record of any criminal activity, and there has been surveillance by police forces.

There is nothing in the investigation, there is nothing in the record, there is nothing in the information that comes forward to show that Duke himself has conducted any criminal activity, and that such associations, such contacts, brief and haphazard as they may have

been, with LeBarre, Gasbarrini or Papalia indicated any criminal activity.

Mr. Shulman: Let me ask the Attorney General: Would it not worry the Attorney General if he had been in the position of the commissioner of police or the superior officer who received these facts, to discover that a man, regardless of his past record, who was apparently a major supplier to the OPP and who was having social contacts with senior OPP officers was associating with very well known Mafia characters?

Hon. Mr. Wishart: I have indicated concern that the social contacts went on to the extent they did. But I say there is no sinister implication in it. I am not satisfied that the instructions were followed as strictly and carefully as they should have been. I have set it forth in detail in this statement.

Mr. Shulman: Then I can only—

Hon. Mr. Wishart: I do not think I can add to the language I have used here really.

Mr. Shulman: I am not asking the Attorney General to add anything. I am making a suggestion to him. Leaving aside the word sinister, leaving aside any sinister connotations, it is to me very disturbing that a man whom the OPP intelligence had under surveillance, who they knew was associating with senior members of the Mafia—

Hon. Mr. Wishart: You say associating. He was not, in the sense that you use it. There was no getting together of these people.

Mr. Shulman: Well I suggest to you with all respect, sir, that this is not correct. If you will look through your OPP intelligence files you will find that the same time that Mr. Duke was visiting this apartment Mr. Papalia was also visiting that apartment, which is what started the surveillance of Duke in the first place.

Hon. Mr. Wishart: No it is not. That is completely wrong. I did not want to involve a woman in this, but the Johnson apartment is registered in the name of a Mrs. Johnson up on the 14th floor. Duke admits visiting that apartment, but that is not what the hon. member gave—

Mr. Shulman: All right—

Hon. Mr. Wishart: The first time, he said that he and Papalia shared an apartment.

Mr. Shulman: And I repeat that.

Hon. Mr. Wishart: And they do not.

Mr. Shulman: Well sir, I suggest that is what it says in the OPP files.

Hon. Mr. Wishart: That is not so.

Mr. Shulman: And I suggest, sir, if you will open the OPP intelligence files that is exactly what you will see.

Hon. Mr. Wishart: That is not so.

Mr. Shulman: And further, sir, I suggest that your statement has opened more questions than it has closed. Let us suppose that everything in this statement is absolutely correct without changing a word. If so, there still is the very, very serious matter raised here, leaving Commissioner Silk aside entirely, of other senior officers who were aware of the record, who did not inform the commissioner, and who continued to associate with this man, no matter how casually, and who continued to patronize this man in a business way. I suggest to you, sir, and this is my final word on this, that in the light of this statement alone, a public inquiry is called for.

Hon. Mr. Wishart: Mr. Chairman, I have said there were contacts after Superintendent Wilson became aware of the record of this man and informed the commissioner. The commissioner issued his own orders about any social contacts. I have felt that that order was not as far-reaching and not perhaps followed as carefully as it should have been. That is being reviewed by the commission; that is part of my continuing responsibility here. I want to make it absolutely clear that the Ontario Provincial Police files do not show contact with Papalia at his apartment at all.

Mr. Shulman: But they do show that both the men visited that apartment house at the same time.

Hon. Mr. Wishart: Apartment house, not apartment.

Mr. Shulman: Yes, but at the same time.

Hon. Mr. Wishart: Now the hon. member is becoming exact.

Mr. Shulman: All right, now let me go further—

Hon. Mr. Wishart: It is admitted—let me finish—without naming the woman, I put in the statement that there is an apartment on the 14th floor of that building in the name of Mrs. Johnson. Mr. Duke quite frankly admits that he visits that apartment and we are aware of that.

Mr. Shulman: All right, have you interviewed the superintendent?

Hon. Mr. Wishart: But that is a different thing from being in the Papalia apartment.

Mr. Shulman: It is indeed. Let us come back to the Papalia apartment. Have you interviewed the superintendent of the apartment house?

Hon. Mr. Wishart: I do not believe he has been interviewed.

Mr. Shulman: Has he been interviewed?

Hon. Mr. Wishart: I believe not.

Mr. Shulman: All right. There is the crux of it. The day I made this speech in the House, a person was sent to that apartment house who interviewed the superintendent. He asked in which apartment was Clinton Jones and the superintendent gave Papalia's apartment. How could you do an investigation and not interview the superintendent? Surely that is a key point.

Hon. Mr. Wishart: Jones? That is the Papalia apartment, the Jones apartment.

Mr. Shulman: Yes, Clinton Jones.

Hon. Mr. Wishart: That is not Duke.

Mr. Shulman: Clinton Jones is his alias. It is an alias he has used; it is in reports.

Hon. Mr. Wishart: But he is not in that apartment.

Mr. Shulman: The superintendent says so.

Hon. Mr. Wishart: Papalia's alias is Jones. Was the hon. member aware of that?

Mr. Shulman: Papalia's alias is Clinton Jones? They both use the same alias? A man was sent to the apartment house, and said, "Where will we find Clinton Jones?"

The superintendent said, "I am sorry, I do not give that information."

"I met him at a party. I have been told I can find him here."

The superintendent says, "That is different; apartment 607".

I cannot understand how you could hold the investigation and not interview the superintendent. This to me is one of the key points. But really, leaving all of these matters aside, the thing that really worries me the most about this, aside from Superintendent Wilson, is where did the breakdown occur between your intelligence people and your administrative people? Obviously the intelligence people

knew things that the administrative people did not.

Hon. Mr. Wishart: I must correct myself. The superintendent, I am informed, was interviewed. He informed the interviewing persons that Jones is the name of the woman in the apartment on the sixth floor.

Mr. Shulman: Clinton Jones?

Hon. Mr. Wishart: Not Clinton Jones.

Mr. Shulman: But that is the name he—

Hon. Mr. Wishart: That is not the name under which the apartment is registered.

Mr. Shulman: Sir, I would suggest to you that in the light of all of these conflicting stories—Slattery's, the superintendent's, the commissioner's—that surely you have to hold a public enquiry and get this straightened out. Mrs. Citron directly contradicts many of the things you are saying here. Evidence I have is in direct contradiction to many of the things you are saying here. It just does not hold water.

Hon. Mr. Wishart: I do not think Mrs. Citron's second story related to the hon. member—

Mr. Shulman: Mrs. Citron referred in her comments to what was said to her by Mrs. Slattery in relation to an appointment being attempted to be set up by the provincial police officer. Now the provincial police officer, according to your statement, emphatically denied that he wanted to see her.

Hon. Mr. Wishart: Yes—

Mr. Shulman: She emphatically stated he did—

Hon. Mr. Wishart: —and, in fact, did not see her.

Mr. Shulman: —in fact, did not see here. We agree on that. But surely with all these contradictions you have to have a public enquiry. I can say no more.

Hon. Mr. Wishart: I might add that in the investigation which was made with the superintendent, he denied that he knew either Clinton Jones or Clinton Duke.

Mr. Shulman: It might be well to put him under oath. Do you not agree?

Hon. Mr. Wishart: The fact that Clinton Duke does not frequent the apartment under the Jones name at all. He does go to an apartment under the name Johnson.

Mr. Shulman: That is a red herring. He may very well go to that apartment but he also goes to apartment 607.

Hon. Mr. Wishart: It is not a red herring. It is a fact and he admits it.

Mr. Shulman: I agree he goes to the other apartment. There is no disagreement there, but he is also frequenting the apartment used by Papalia. Surely this is something that has to be established one way or the other.

Hon. Mr. Wishart: What sinister implication is there from that?

Mr. Shulman: Perhaps you and I look at things differently, but this is the one thing that does appear sinister to me. If a man is sharing an apartment under a false name with the Enforcer of the Mafia in this country, do you not find that sinister? I find it sinister.

Hon. Mr. Wishart: If you have evidence that these people are associated, which our investigation reveals is not so, I wish you would produce the persons who gave you that information.

Mr. Shulman: I just told you what I have heard and I am asking you to hold a public enquiry to put these people under oath.

Hon. Mr. Wishart: Who are they?

Mr. Shulman: The superintendent for one.

Hon. Mr. Wishart: He does not know either Clinton Jones or Clinton Duke.

Mr. Shulman: A minute ago you said he was not questioned although when he was questioned was he questioned under oath?

Hon. Mr. Wishart: No, we did not take sworn statements.

Mr. Shulman: Did you have a written statement from him?

Hon. Mr. Wishart: Yes.

Mr. Shulman: May I see that?

Hon. Mr. Wishart: I presume there is a written statement; no, it is an oral statement.

Mr. Shulman: It is an oral statement. Now what value is that?

Hon. Mr. Wishart: The hon. member, of course, would put no value in anything that anyone says.

Mr. Shulman: No, I am saying that there are so many doubts here you must have a

public enquiry. I do not think that you have any choice.

Hon. Mr. Wishart: That may be your opinion.

Mr. Shulman: That is my opinion, yes.

Mr. Chairman: The member for Downsview.

Mr. Singer: Mr. Chairman, I have listened with great attention to the Attorney General's statement, and to the comments from the hon. member for High Park. I am not convinced as yet that there has been either a complete answer or that the case has been abundantly made to have a public enquiry or a royal commission. I am not satisfied, to begin with, that we should embark, nor will my party embark, on urging a royal commission unless we are reasonably satisfied that sufficient questions remain in doubt that demand a public enquiry for the integrity of the whole law enforcement system in this province.

I have always believed that the Ontario Provincial Police and the commissioner of the Ontario Provincial Police have carried on their business in an extremely commendable way. In light of the allegations made by the hon. member for High Park, certainly there was some cause to doubt some of the things that had become pretty firmly fixed in my mind.

Some of these allegations, as I gather from the interchange, are based strictly on hearsay and the evidence that has been put forward to refute them is certainly at least as good, in my opinion, and in many cases far better than the hearsay evidence that was put forward in making the suggestions.

However, there are some things that emerge from this statement that just do not make sense. For instance, Mr. Chairman, I see on page 7 the comment that Superintendent Wilson on March 19, 1968, became aware of Duke's criminal record through a review of the registration of firearms owned by this man. Could I ask the circumstances under which Superintendent Wilson felt it important to search the registration at that time?

Hon. Mr. Wishart: His statement, as I recall his words, was that he became curious about the number of firearms which Duke, a collector, had and he made it his business to go and check and see how he—

Mr. Singer: Why did he become curious? Had people been complaining to him?

Hon. Mr. Wishart: No.

Mr. Singer: Did he just suddenly say this is a good thing to look into? What was the reason?

Hon. Mr. Wishart: That is what he gives me in his written statement: that he became curious when he learned of the number of various types which Duke had in his possession and he made it his business to check and see what permit he held.

Mr. Singer: Is there not even the usual police statement "As a result of information received I became curious and investigated"? Why did he become curious? Surely that is more than germane to this issue.

Hon. Mr. Wishart: He had seen, I think, the collection on one of his occasions at the Duke residence.

Mr. Singer: When the licence was being reviewed was the local chief of police consulted? He previously had issued the permit and then you took his power away and then subsequently it was given to the OPP.

Hon. Mr. Wishart: The procedure had been that the application was made to the local chief and he issued the permit. They have this right. The procedure still is that applications generally are made to the local chief who then sends them in to the Ontario Provincial Police, the registrar of firearms. Chief Oliver, having had the right to issue firearms permits taken away in the general regulation as applied to other chiefs, then said, "I am no more concerned with this matter. Go to the OPP."

Mr. Singer: Yes, but was Chief Oliver consulted at all?

Hon. Mr. Wishart: Not that I know of.

Mr. Singer: Not that you know of. Was that question asked?

Hon. Mr. Wishart: I do not think he was. It was a renewal of a licence which he had twice issued.

Mr. Singer: Is there any significance to the fact that Superintendent Wilson is so definitely aware that the date on which he became knowledgeable about Duke's record was March 19? How does he know that so specifically?

Hon. Mr. Wishart: Subsequent to the invitation he became aware. In his statement he relates it to his knowledge being obtained at the time of the marriage of his daughter.

He became aware after the invitation had been sent out that Duke had a past criminal record. He did not wish to cancel the invitation because it had been sent out and a wedding gift had been received. He did, either at that time, immediately inform Inspector—

Mr. Singer: Now we are getting down to the nub of it. All right. Let us accept for the moment that he became aware, for some reason that you cannot tell us at the moment, on March 19, and he had some peculiar reason to go and look and see if Duke had a record. The peculiar reason is unexplained. For 10 days he sat with that knowledge.

Hon. Mr. Wishart: He went because he was aware of the gun collection and he went to check the permit to see what kind it was. In doing that he discovered the record of Clinton Duke.

Mr. Singer: Why did he want to enquire out of the blue?

Hon. Mr. Wishart: He became curious about the—

Mr. Singer: Duke had had a gun permit and it had been renewed by the local chief. Mr. Swan gave it to him. Why, suddenly, did Wilson become curious?

Hon. Mr. Wilson: I do not know.

Mr. Singer: Would that not be a logical kind of an enquiry that you should have made or your officials should have made?

Hon. Mr. Wishart: The hon. member should understand he was not searching for a licence to carry a weapon. He was searching to see if the guns were registered in this province and how many there were and so on. It was quite a natural thing to do this. He said he became curious, when he saw this collection, to see how they were registered.

Mr. Singer: Mr. Chairman, that explanation just does not fit in with anything I know about the course of police investigations.

Hon. Mr. Wishart: Well, I do not—

Mr. Singer: Swan is the man in the OPP who issues licences, and surely an inspector of police is not suddenly going to say: "Aha, there is a man named Duke who has a licence; let us see if he has a criminal record"—just for no reason at all. Now that does not make any sense, does it?

Hon. Mr. Wishart: I do not think I can add anything. I have told you—

Mr. Singer: All right. All right. I am not saying that the Attorney General knows. I am saying that would have been a logical direction in which the inquiry should have gone.

Let us leave that. For some reason Wilson began these inquiries and had certain information available to him on March 19. Now he says: "I invited Duke to the wedding, and Duke was about to fly back from the Caribbean somewhere, so I did not want to uninvite him." But do not forget, Wilson is a senior official in the provincial police. He did not want to endanger his social contacts, but he was quite prepared to endanger his fellows and his superiors in the Ontario Provincial Police force, by keeping that information secret from them.

Hon. Mr. Wishart: That is right. I admit that.

Mr. Singer: All right. And he allowed the commissioner to go there, knowing of Duke's record—

Hon. Mr. Wishart: I do not defend that and I have said so.

Mr. Singer: And the commissioner did that, and would expect in the normal course of events that the guests at a celebration like that would be ordinary normal people, residents of the community. I would think that a senior police officer has a duty to respect the position of his fellows and his superiors, and to protect them from anything that might be questionable at all.

Hon. Mr. Wishart: We do not differ on that at all.

Mr. Singer: All right. We do not differ on that at all. Well then, it goes—let us say Wilson became a little concerned about disturbing the wedding. Now this is perhaps a somewhat natural, if unreasonable emotion. Perhaps that can be understood. So he says, well, we are not going to bother about that. But then he goes on and compounds it. Then he is part of the gathering at Duke's house, when the commissioner and other senior officials go back to Duke's house. That is after the wedding. The wedding is over, so the social stigma of disturbing the wedding is no longer with him. But then they go on with that and again Wilson does not tell his superior and his fellows what he has found out. Then it is compounded a third time. Some time later—we have not got a date on that—the commissioner and senior police officers took Duke to lunch or dinner or something. Some time later than that.

Hon. Mr. Wishart: Yes, the week following the wedding.

Mr. Singer: The week following. All right. There is a period of the better part of a month—

Hon. Mr. Wishart: The week following the funeral—

Mr. Singer: There is a period, the better part of a month, when Wilson had information which he had a special duty to convey, certainly to his commissioner, and certainly to people of equal rank to him, and he did not do it.

Hon. Mr. Wishart: This is right. This is not condoned, and I want to make that very clear. And the commissioner was following that matter up. I have said that—

Mr. Singer: All right. Now, quite apart from it not being condoned, I think this is most serious. Could you tell me, since these matters have now come to light, what action has been taken in regard to Superintendent Wilson. Has he been disciplined in any way?

Hon. Mr. Wishart: Action is being taken.

Mr. Singer: But what form of action?

Hon. Mr. Wishart: I do not think it was felt that we should follow it up while this committee was sitting. We should complete our investigation. I should inform you that the matter is being followed up, that we felt it only proper to report it. The seriousness of that is recognized. It is not condoned. It will be followed up, as I said in the statement—

Mr. Dick: Superintendent Rodger attended one of his functions after he had been ordered not to.

Hon. Mr. Wishart:—and the same, I should indicate, the same follow up with respect to Superintendent Rodger.

Mr. Singer: Have both Wilson and Rodger been asked if they ever received free lawn mowers?

Hon. Mr. Wishart: Yes, they have been asked if they received any equipment, and this was denied.

Mr. Singer: Denied. All right. Can you explain to me why nine officers—I think that was the figure, yes, page 10—approximately nine officers attended 18 of the equipment demonstrations? Are nine officers charged with the responsibility of buying things like

lawn mowers? It seems most unreasonable and unusual.

Hon. Mr. Wishart: This is over a period of time.

Mr. Singer: Yes, a period of a year and a half, apparently.

Hon. Mr. Wishart: I could give you the details on this. Mr. Silk met Duke once. It was at Duke's home, once.

Mr. Singer: We have got that. No, I asked you specifically why nine officers should be concerned with the purchase of lawn equipment.

Hon. Mr. Wishart: This is what I am giving you. Deputy Commissioner White met Duke once. He was at his home once on—

Mr. Bullbrook: A point of clarification if I might. Now, are you telling us that—

Hon. Mr. Wishart: These are the nine officers.

Mr. Bullbrook: —the commissioner was one of the nine officers who went in connection with the purchase of lawn equipment?

Hon. Mr. Wishart: No, no.

Mr. Bullbrook: That was the question.

Hon. Mr. Wishart: These are the complete contacts of—

Mr. Singer: No, I am quoting from the top of page 10. Let me refer you to the top of page 10: "From the investigation, which I accordingly conducted, it would appear that nine officers had attended 18 of these equipment demonstration parties or barbecues". And I want to know why nine officers attended, and who they were, and what responsibility they had for purchasing lawn equipment.

Mr. Dick: Superintendent Rodger went on business; Bolt was there on business; McKie was there on business; Neil was there on business. Richardson and Haughton had nothing to do with it.

Hon. Mr. Wishart: Assistant Commissioner Neil had two business contacts.

Mr. Bullbrook: What is his job?

Hon. Mr. Wishart: Assistant Commissioner Neil—

Mr. Bullbrook: Is he in charge of administration? Purchasing? So he is in charge? He

is the head of the OPP as far as all purchasing is concerned.

Hon. Mr. Wishart: Superintendent Wilson had—

Mr. Bullbrook: Neil, was it?

Hon. Mr. Wishart: Yes.

Mr. Bullbrook: And he had two visits?

Hon. Mr. Wishart: Two.

Mr. Dick: Well, Assistant Commissioner Neil had two visits with Duke's lawnorama, and business contacts and correspondence.

Hon. Mr. Wishart: In his file I find correspondence about lawn equipment and two contacts.

Mr. Bullbrook: I appreciate your indulging me and this is the elasticity of which I spoke before. I frankly feel that the interrogation now taking place by my colleague from Downsview is absolutely important, because I might convey to you, I think that this is a situation of impropriety, and perhaps undue desires to travel, to free food, and so on, and maybe I am not correct in saying this, but I want to know. Of the nine people, is it nine officers—

Mr. Singer: Nine officers.

Mr. Bullbrook: —who visited 18 of these equipment demonstrations, parties—

Hon. Mr. Wishart: These visits are in connection with business. The repair of equipment, the purchase of equipment, the discussion of the types of equipment needed, and I have the names of the officers here.

Mr. Singer: I would like to know their names and their specific assignments in the force.

Hon. Mr. Wishart: That is what I am trying to give you. Assistant Commissioner Neil, twice. In addition to that, as I say, in his file there is correspondence about the equipment and various—

Mr. Singer: We do not count him as two, we count him as one.

Hon. Mr. Wishart: That is one of the 18 contacts, anyway.

Mr. Singer: No, you said nine officers. I am using your words.

Hon. Mr. Wishart: Surely. I am giving you the names, but I say two of the 18 contacts, by nine officers.

Mr. Dick: This information was given on specific request, because Dr. Shulman asked two very specific questions.

Hon. Mr. Wishart: Right.

Mr. Dick: That reply was made in answer to the two specific questions.

Hon. Mr. Wishart: I would like to give you this specific information.

Mr. Bullbrook: Do that. Go ahead.

Hon. Mr. Wishart: Assistant Commissioner Neil, two business contacts. Superintendent Wilson had six altogether in the course of his business relations.

Mr. Bullbrook: All right. If I—

Hon. Mr. Wishart: These are generally in a sense, with the company, with Duke through the company.

Mr. Bullbrook: You make a distinction, and I say most respectfully I cannot understand the distinction.

Hon. Mr. Wishart: Some of them actually were with the stepson, who is a vice-president, and does the—

Mr. Singer: Could I ask you then about Superintendent Wilson? Did he have any responsibility for purchasing lawn maintenance equipment? To a degree.

Hon. Mr. Wishart: He is a district superintendent and would have a certain overall supervisory responsibility.

Mr. Singer: I am going to get into a series of questions shortly, about purchasing procedures. I am not very happy about them.

Mr. Bullbrook: I wanted to get into that right now. Who buys the equipment, so that we might know that now? Do the local superintendents buy equipment?

Hon. Mr. Wishart: Well perhaps. Someone else could explain this in more detail than I can, but I can give the names if you want them.

Mr. Bullbrook: Let us go through the names and we will ask the questions. Let us go through the names first, okay?

Hon. Mr. Wishart: Wilson; Assistant Commissioner Bird was at a lawnorama once on a business demonstration.

Mr. Singer: Can you give us the dates on those visits too?

Hon. Mr. Wishart: No, I do not think I can.

Mr. Singer: You do not have the dates?

Hon. Mr. Wishart: Perhaps if we go back we could dig and get them, but—Assistant Commissioner Whitely twice at the lawn equipment displays. Superintendent or Inspector Wilkinson, once—no Rodger—

Mr. Bullbrook: Superintendent Rodger?

Hon. Mr. Wishart: He attended six of the demonstrations—lawnorama displays. Superintendent Bolt was once at a display. Superintendent McKie—

Mr. Singer: Key? K-E-Y?

Hon. Mr. Wishart: McKie, M-C-K-I-E. Chief Superintendent Miller, once. Constable Richardson was the manager of the ball team. He had one contact with the firm and Staff Superintendent Haughton, once—Staff Sergeant Haughton.

Mr. Singer: Are there any more?

Hon. Mr. Wishart: How many names have we got there?

Mr. Singer: Eleven.

Hon. Mr. Wishart: I think one of those was a man who rented the home. The hon. member asked for the period of time in which we could get the dates. Haughton's contact, I believe, was many years ago, but I will give you—

Mr. Singer: That is all the information up to the—

Hon. Mr. Wishart: I could get dates for you.

Mr. Singer: I think the dates are of some significance and perhaps those dates could be made available.

Hon. Mr. Wishart: You want the dates on which those persons made their contact?

Mr. Singer: Yes, because according to what you have told us, the first time at which anybody in the OPP knew of Duke's record, was March 19, 1968.

Mr. Shulman: That was probably not the intelligence squad.

Mr. Singer: The first time that Wilson knew. Perhaps it follows from the interjection of the member for High Park, did anyone know of Duke's record prior to

March 19, 1968; did anyone in the OPP know? What was the earliest date on which the OPP were aware of his record?

Hon. Mr. Wishart: What did you say?

Mr. Singer: What was the earliest point in time at which anyone in the OPP knew of Duke's record?

Hon. Mr. Wishart: In 1952. Assistant Commissioner Graham learned of it in the course of a criminal investigation and was aware of Duke.

Mr. Singer: In 1952.

Mr. Bullbrook: Mr. Chairman, on a point of order, if I might, subject, of course, to the direction of the Attorney General. Would it not facilitate the interrogation and our whole line of questioning if we might be entitled, if the Attorney General or the deputy so wish, to have the commissioner respond?

Mr. Chairman: I think that is up to the minister to determine—

Mr. Bullbrook: I am just suggesting it—we have permitted that in the past—

Hon. Mr. Wishart: I have the details in a file. It takes some effort to get it.

Mr. Singer: Certainly the Attorney General knows all this of his own knowledge. What he is telling us is what has been reported to him, what is being reported to him now. It might facilitate things if either the deputy or the commissioner could reply.

Hon. Mr. Wishart: I think I should refer it, Mr. Chairman, to the deputy because he has the detail file, and if he needs assistance, the assistance of the commissioner—

Mr. Chairman: Then we call on Mr. Dick for the questions?

Hon. Mr. Wishart: Yes.

Mr. Singer: All right. The specific question was, when was the first time that officials of the OPP knew of his record? The answer, as I understand it, was in 1952 when it came to the attention of Superintendent Inspector Graham.

Mr. Dick: If I might add, sir, Assistant Commissioner Graham is the assistant commissioner in charge of the criminal law aspects of the OPP; the special services, division comes under Assistant Commissioner Graham. Earlier on in his career in the criminal

law enforcement aspect of the OPP, in 1952, a corporal, in casual conversation in the course of investigation, mentioned Duke's name and referred to his earlier criminal record.

That information was in the mind of Assistant Commissioner Graham, but Assistant Commissioner Graham was not associated with Assistant Commissioner Neil and these other gentlemen who were having contact with Duke in these more recent times. It was something that was back in the mind of Assistant Commissioner Graham as a result of this experience in 1952 and this information of course did not come to Assistant Commissioner Graham's attention until these discussions arose respecting Mr. Duke, and it was at that time that he mentioned it. Prior to that he did not have cause to bring this information up. It was just an item of information which he knew about a man but he did not realize that the other men on the force were having this type of contact with him.

Mr. Singer: Accepting that then, for the moment—

Mr. Dick: Well, may I just mention one other thing that did arise a little earlier, and perhaps I could clarify when you mentioned other information about Duke's record? In 1967, Chief Oliver wrote to Mr. Swan, who was the local registrar of firearms in the OPP. The letter was directed to Mr. Swan, indicating Duke's criminal record. Mr. Swan put that letter with the file relating to the registration of firearms and the issuance of permits. Again, that was on the—

Mr. Shulman: Do you think he issued a permit at that time? Did the letter suggest the permit not be issued at that time?

Mr. Dick: No, it was not a recommendation as I recall it, if I can check. The information that the commissioner gives us is that he sent a copy of the man's record but he made no comment about it.

Mr. Shulman: Could I have a copy of that letter?

Mr. Dick: We have not got it here but we can get it.

Mr. Shulman: Will you get it? Can I ask another question?

Mr. Singer: Well no, I am not finished. It is very difficult to ask a concentrated series of questions.

Mr. Chairman: Yes, it is and I want to—

Mr. Shulman: May I make a suggestion? Ask them when the intelligence division first began to have his record.

Mr. Singer: All right. When did the intelligence division first become aware of Duke's record?

Mr. Dick: Well, Mr. Chairman, in answer to the question with reference to the intelligence files, the intelligence branch was formed in 1964. The name Duke was not part, I understand, of the intelligence files in the OPP; he was not recorded as any subject of the intelligence unit.

Mr. Singer: Is the name Duke now a part of those files?

Mr. Dick: As a result of the discussions that have taken place here his name is now a matter known to the unit.

Mr. Singer: And was the first time—he became a file, if I can phrase it that way, only as a result of these discussions or had he become a file at any time prior to the commencement of these discussions—between the creation of the intelligence unit in 1962?

Mr. Dick: To our knowledge, no. He was not part of our file.

Mr. E. H. Silk (OPP Commissioner): Last December.

Mr. Singer: Last December, when the discussion arose insofar as Mrs. Citron was concerned. Was that the first time?

Mr. Dick: The information at that time came from a separate source as far as we know; unrelated to Mrs. Citron, again as far as we know.

Mr. Singer: Well what started you off in December, 1969? Why did you start an intelligence file on him in December, 1969?

Mr. Dick: In December, 1969, information was given to the commissioner respecting Mr. Duke in respect of one association. That information was of an intelligence nature, the source of which is not disclosed or which I am not disclosing.

Mr. Singer: All right.

Mr. Dick: And it was of a nature which at that time the commissioner communicated to the superintendent of the district.

Mr. Singer: All right. Now let us get back to the nine officers who visited the equipment demonstration parties or barbecues. Could

you explain to me the system that the OPP has for purchasing lawn equipment?

Mr. Silk: The situation, Mr. Singer, is that, provided we have the funds in our budget, if a lawn mower, for instance is required at the detachment level, the request for it is made through their district headquarters and they specify the type of equipment they need and they advise us of the price they can get locally. We check it at headquarters. If it is a fair price, it is bought locally. If we can buy it for substantially less through general headquarters, then it is bought through general headquarters.

Mr. Singer: I see. Now what rhyme or reason, or what sense is there that nine senior officials and two junior ones of the OPP should have to go and inspect equipment? Surely all nine assistant commissioners, superintendents, chief superintendent and so on—all of these gentlemen, are not concerned with buying lawn mowers?

Mr. Dick: If I may answer that. In going over the statements of all of the men who were interviewed as a result of this, it appeared that these nine officers appeared on different occasions. They were not all there at the same time nor did anyone of them have a long series of attendances other than Superintendent Wilson and Superintendent Rodger.

On one occasion, for instance, Assistant Commissioner Neil was present at the lawnorama and he was there a second year. So he visited two of the lawnoramas which, I should add, are very similar, in the descriptions we have received, to the type of product-showing that any manufacturer has of his product. They bring all the products that they wish to display to this property. They are then demonstrated during the course of the day and all of these people who come—who are invited—are customers or prospective customers and they see these various types.

The men who attended from the OPP were men who are primarily concerned with the administrative aspect, the purchasing and the administration of the forces and their detachments and so on. Assistant Commissioner Neil then attended two of these lawnoramas in his capacity as the assistant commissioner in charge. Assistant Commissioner Bird was present at one. Assistant Commissioner Bird was in charge of the field division which relates to all the districts and the detachment offices throughout the province. Assistant Commissioner Whitely who was, at one time, associated in that area also, visited the lawnorama on two occasions.

Superintendent Wilson and Superintendent Rodger each attended, according to their statements, on six different occasions at the lawnoramas which were held over a three-year period or they attended at a barbecue that was held some time subsequent to it. Both of these men were superintendents. The one in the Niagara district, the other in the Hamilton district in the area.

The other men who were at the lawnorama—Chief Superintendent Bolt for instance, who was directly in charge under Assistant Commissioner Neil of the purchasing matters, was at one lawnorama. Chief Superintendent McKie, who at one time was associated in the same way, had one attendance at one of these lawnoramas. Chief Superintendent Miller, again associated in the administrative and purchasing aspect, was at one lawnorama.

Mr. Singer: Well, all right. How many pieces of equipment—or what is the total value of the equipment purchased by the OPP from Duke, say, in the last two years or three years?

Mr. Dick: We have that here. Over the last five years, the total number of machines purchased is 25, to a total cost of \$11,072.75.

Mr. Singer: That is over five years—\$11,000 worth of equipment—25 pieces eh? That is from Duke?

Hon. Mr. Wishart: The Duke company.

Mr. Singer: The Duke company. All right. And over five years, how many pieces of garden equipment have been purchased by the OPP all over the province and at what cost?

Mr. J. Renwick (Riverdale): How many items are in that?

Mr. Singer: Twenty-five.

Mr. Silk: We operate 200 locations in the province and since we bought 25 from Duke—

Mr. Shulman: I cannot hear you.

Mr. Silk: I say we operate 200 locations in the province—district headquarters and detachments. Chief Superintendent Bolt advises me that if we bought 25 as shown on this list, we must have bought more than 100 others during the same period. We can get you the breakdown if you wish.

Mr. Shulman: Your men must have been pretty busy running to all those places.

Mr. Singer: Well, it seems to me, Mr. Chairman, let us start with the basic premise that certainly the police, like Caesar's wife, have to be above suspicion. And it seems most unusual to me that 11, not nine, apparently 11 officers, nine of whom were senior ones, had to attend a series of barbecues and lawnoramas which resulted in the fantastic purchase of \$11,000 worth of equipment.

Now, I am sure the Attorney General must be aware, Mr. Chairman, of the concern that we have had over the years with a system of central purchasing, and also, the information that became apparent during the discussions of the estimates for the Minister of Public Works (Mr. Simonett), that the OPP had refused to participate in any central purchasing. It would seem to me that if nothing else, this kind of a system of purchasing, which would seem to require or got the attendance of all of these officers at one equipment manufacturer's show on so many occasions, and which resulted in an \$11,000 purchase, was about as inefficient as any system of purchasing could possibly be.

Quite apart from the suggestion made by my friend from Sudbury—from Sarnia—that it seems to me these were pretty good bunfeeds and that the socializing aspect was much more important and that the intelligence inside the OPP as to what the officers were doing was not all that it should be.

Let us leave the equipment purchases for a moment and let us go on to some other matters that I have noted here. There is a statement on page 9 that the equipment was purchased at the lowest possible price consistent with the quality of equipment. Were tenders ever called from Duke and from others?

Mr. Dick: Tenders were called for in this way: if a district wanted lawn maintenance equipment, the district would go to their local area dealers in the type of equipment that was thought necessary and they would obtain from those dealers an estimate of cost for the piece of equipment. That information would then be transmitted through to the general headquarters—

Mr. E. Sargent (Grey-Bruce): Who wrote the specs on it?

Mr. Dick: The individual in the district, knowing the type of equipment, size of mower, or whatever would be required, would make the request to the general headquarters with the cost of the machine that he thought was necessary for his particular

purpose in the district and this would be transmitted to general headquarters with the costs.

When it came to general headquarters the men in the purchasing end of the force would then look at it and obtain the other—

Interjection by an hon. member.

Mr. Chairman: I will call on the hon. member for Grey-Bruce in a moment.

Mr. Dick: These men would look at the cost of the item, look at the type of machine that was being ordered, would then decide whether or not the machine was proper according to their specifications and their requirements. They would then get another price to see where the best price could be obtained.

By way of example, just spotting through how this has been done in the past, in the Brockville detachment the request came for the replacement of a riding mower. The estimates were sent in for an International Harvester 6 horsepower, manual start, \$595; same machine, electric start, \$695, and the same held true for the various detachments as they would send these in.

Then, when these came in, as I say, in this form from all the districts, they would compare it with the price that they could get from the Duke Lawn Equipment Company—

Mr. Shulman: That is not tendering.

Mr. Dick: It is invitation tendering, in fact. The individuals are asked to provide the best price for the piece of equipment specified, and then the invitation tenders or bids are looked at and compared. This was the basis upon which they were purchased. The Duke price was taken for the machine which economically was—if you will pardon me, I think it is the Snapper Comet which was, in their experience, a machine that required very little maintenance. It has the proper size cut, the proper horsepower and was the most economical machine and this was the one that seems to be in current use at a price of \$468.89.

Mr. Singer: Two questions arise from this discussion. One is: Were all these 11 officers concerned only with this one district, the Oakville district?

Mr. Dick: Which officers?

Mr. Singer: The 11 officers who went to the lawnoramas; were they concerned only with the Oakville district?

Mr. Dick: No, they were representative, some of them, of the general headquarters.

Mr. Singer: I see. Did any other than the Oakville district purchase anything from the Duke company?

Mr. Silk: All the purchasing from Duke was done at headquarters, I think, general headquarters.

Mr. Singer: I see. And all the purchasing from Duke over five years was 25 pieces at \$11,000—that is all?

All right. In all of the recommendations that came forward from the Oakville detachment, were there recommendations in relation to any company other than Duke?

Mr. Dick: The commissioner advises me that Duke is the only jobber who handles this heavier type of equipment.

Mr. Singer: I see, and he is the only one in the Oakville area. There is nobody else.

Mr. P. J. Yakabuski (Renfrew South): Perhaps in Canada.

Mr. Singer: Okay, you have made my point. Now I am interested, Mr. Chairman, in some comments on page 11. First of all, the comment at the top of the page:

It does appear from the investigation that instructions given by Commissioner Silk were not conveyed to every member of the district staff, and I—

I presume that is the Attorney General—

—am concerned that these orders were not given the appropriate attention at that time in the field.

Hon. Mr. Wishart: There are two officers Wilson and Rodger—I think they are—where an action must be taken because of their failure to carry out these orders.

Mr. Singer: Fine, all right. How does the commissioner convey orders of this type? Does he do it by phoning up somebody? Does he issue a piece of paper under his signature? What is the general method of the commissioner for conveying his instructions of this type?

Mr. Silk: Mr. Singer, we have what is called the commissioners' committee—that is, commissioners, plural, possessive, committee, which meets twice a week on Tuesday morning and Thursday morning—the deputy commissioners, the five assistant commissioners and myself. And it was on the occasion of August 29, that this matter came up, and I

think the information with regard to Duke's record had come to me the previous day and—

Mr. Singer: August 29, what year?

Mr. Silk: 1968.

Mr. Singer: 1968.

Mr. Silk: I gave verbal instructions to assistant commissioner Bird, who was in charge of the field division of the force, and he gave specific instructions by telephone to Superintendent Rodger.

Mr. Singer: And that was where it stopped?

Mr. Silk: Apparently Rodger carried it out only to the extent of reporting it to Wilson.

Mr. Singer: Rodger and Wilson. So we have those two names back again. It stopped there then, eh? Are there minutes of those meetings?

Mr. Silk: Wilson was the inspector—which is the second in command in the district.

Mr. Singer: Yes. Are there minutes of those meetings?

Mr. Silk: There is a minute here. It is a lot of understatement of my instructions, if I may say so. May I read it to you?

Mr. Singer: Please do.

Mr. Silk: I quote:

Commissioner Silk also suggested after considerable discussion, it is not desirable to have social contact between our personnel and the Duke Equipment sales organization. Assistant commissioner Bird indicated that he would advise district 3, through the superintendent.

And Bird did, immediately upon leaving the meeting.

Mr. Singer: How did Bird advise them? By telephone?

Mr. Silk: By telephone. Bird says:

I returned to my office and telephoned on the government line and spoke to Superintendent Rodger and instructed him in my capacity as assistant commissioner (field) that he and all of his personnel were now instructed they would have no further social contacts with Mr. Duke because of his lengthy criminal record. The superintendent assured me that he would pass the message on as received.

Mr. Singer: I see. Were those minutes circulated to anyone?

Mr. Silk: Those minutes are kept within the commissioners' group, naturally.

Mr. Singer: I see. And there is no written memorandum, and there is no follow-up on whether or not this kind of instruction had been carried out?

Mr. Silk: If there is, I do not have it here. I do not believe so. I think it was done in such a specific way that nothing further regarding it was necessary.

Mr. Singer: I see. And the people below Bird, had they explained why that information or those instructions were not passed on to their personnel?

Mr. Silk: Rodger says he thought it was a sort of personal type advice and he conveyed it only to Wilson.

Mr. Singer: And Wilson says?

Mr. Silk: Wilson says he has no explanation for not passing it on.

Mr. Singer: I see, all right. Now then I am curious about this party on the last Friday in June 1969, held in Hamilton on the occasion of Superintendent Rodger's promotion and posting to Toronto. When an occasion like this takes place I would imagine it is a pretty inside kind of a party—where police officers of similar rank would gather together to say "Hurray for Superintendent Rodger getting his promotion, let us have a drink". Why would outsiders be allowed to buy tickets to that kind of a party?

Mr. Silk: Well I have been to many police parties—

Mr. Singer: But you are not an outsider to the police force. Why would you invite members of the public?

Mr. Chairman: Let the commissioner finish.

Mr. Silk: I am not restricting myself to the Ontario Provincial Police force. And you may have been at some too, I do not know. But it is quite customary for certain outsiders. These are not really—this one certainly was not—in the nature of an invitational affair; it is the type where tickets are sold.

Let me explain that. One of our men, who was at that time the detective sergeant at Burlington—and he has been promoted since, he is a very good man—he said: "I think probably I sold that ticket to Duke. I did not know anything about the Duke situation".

Mr. Singer: In tracking this thing down about the conveyance or the transmission of your instructions. Did it ever get beyond Wilson to your knowledge?

Mr. Silk: No, I think it is quite clear—

Mr. Singer: It stopped at Wilson?

Mr. Silk: It stopped at Wilson.

Mr. Singer: The comment here that the member for High Park says he did not raise, which the member for Grey-Bruce, in fact, did—the suggestion that Staff Sergeant Haughton tended bar. Has Staff Sergeant Haughton been specifically asked and has he given a statement?

Mr. Silk: Oh, indeed he has.

Mr. Singer: And he gave a statement that he—

Mr. Silk: Staff Sergeant Haughton is now the registrar of firearms. I do not know if that had anything to do with the suggestion being made. And Staff Sergeant Haughton brands it as a particular kind of a lie.

Mr. Sargent: He was at the party?

Mr. Silk: He was at no party.

Mr. Sargent: I understand he was.

Mr. Silk: Well your understanding is wrong, Mr. Sargent. I have his assurance.

Mr. Chairman: Has the member for Downsview any further questions?

Mr. Singer: No, I am not quite finished. This 1969 OPP softball team—how did the constable become aware? At the bottom of page 12 you say that Duke did sponsor the team, but when the constable became aware of the instructions that had been given by the commissioner, the sponsorship was given up and the team now sponsors itself.

Now if the instructions stopped at Wilson, how did the constable become aware of it?

Mr. Silk: I believe, Mr. Singer, the answer to that is when someone upstairs, as they say—district headquarters are upstairs and the detachment headquarters are downstairs—and when the district knew about it, some instructions were given. Accordingly, the Duke name was blackened out, or crossed out—was obliterated from the sweaters.

I think the language used was “it filtered down to the constable” and he took steps to have that done.

Mr. Singer: As I say, the process of conveying messages inside your force Mr. Commissioner puzzles me. No written instructions—things sometimes filter down, sometimes do not get through at all. I have some concern about that.

That is all I have for the moment.

Mr. Chairman: The member for Sarnia.

Mr. Sargent: Mr. Chairman—

Mr. Chairman: No, actually the member for Grey-Bruce got euchred out because he was out of the room. We circled past him and put him down on the list again a couple down.

The member for Sarnia.

Mr. Bullbrook: It is only fair anyway. I have been sitting here for days. Thank you, Mr. Chairman.

Subject to further discussion and interrogation, what seems to come through to me, as a member of the committee, is that there is no proof on which the people of Ontario should feel that there is any association between organized crime and the senior officers of our provincial police force. That is what comes through to me in connection with the response.

I frankly feel that the key thing here, if one can use the word, is impropriety—the undue association and need for association and I might well be wrong but the desire to avail oneself, if he is a senior officer, of every possible social consequence that might be available.

As I look at this list, if Assistant Commissioner Neil is responsible for the purchasing of all equipment, what is Assistant Commissioner Bird's responsibility in connection with lawn equipment?

Mr. Singer: And Whitely?

Mr. Bullbrook: Well, I am not on to Whitely yet. Why does Assistant Commissioner Bird feel it necessary to go to Oakville to visit Mr. Duke's place of business—or home, rather—in connection with the lawnorama?

I wonder, also, about Assistant Commissioner Whitely. I wondered about Inspector Wilkinson. Perhaps he is a local inspector—

Mr. Singer: Superintendent.

Mr. Bullbrook: Oh? I had Inspector Wilkinson.

Mr. Silk: I believe he was a sergeant at the time he was there.

Mr. Bullbrook: He is now an inspector.

Mr. Silk: He was in charge of the Oakville detachment.

Mr. Bullbrook: He was in charge of the Oakville detachment at the time? What comes through to me—and perhaps I am directing this through the Chairman, through the Attorney General, to Mr. Commissioner—is the fact that if this is going on in Oakville, if you follow it. If it is necessary for the purchase of \$11,000 worth of lawn equipment that nine senior police officers make 18 visitations over a period of years to purchase lawn equipment in Oakville, how many have to go in Barrie, and how many have to go in Sarnia, and one wonders how many go in Toronto? This is really the unfortunate circumstance, because in my opinion these particular associations, unfortunate as they may be, are what have laid the groundwork to allegations which I presently feel are unsupported.

I am not being objective in this because I want them to be unsupported. We have to make it amply clear—we, as a committee—in this connection that we feel that they are perhaps unsupported. I take it there will eventually be a motion on which we will vote in connection with the judicial inquiry or the appointment of a royal commission, and that will relate to the public of Ontario our general thought.

I want to ask a specific question if I might. I am going to get back to this question of the officers attending—the need for this number of officers attending these type of functions. I want to ask the question: are there refreshments served at this type of function?

Mr. Silk: I would anticipate so.

Mr. J. Renwick: It says so.

Mr. Bullbrook: Oh it says so, I understand. At the lawnorama?

Hon. Mr. Wishart: I think I might just say, from the statements I have read—and I tried to make the statement very complete—

Mr. Bullbrook: Well, I just forgot it, sir.

Hon. Mr. Wishart: No, very briefly. As appears from the statements, the men of the force, the officers of the force who were interviewed, a lawnorama is the type of display that this Duke Lawn Equipment Company Limited use, and they use the estate grounds surrounding the home on

which to spread the lawn equipment to demonstrate it.

Mr. Bullbrook: Right.

Hon. Mr. Wishart: And then there were refreshments, I think, generally served either on the grounds on in some outlying part of the home, or something of that sort.

Mr. Bullbrook: Yes, right. I reiterate that what must come through to us in establishing our obligation whether to vote this money through or not—

Mr. Singer: It was a party.

Hon. Mr. Wishart: It was a party; it was a show.

Mr. Bullbrook: Well, what comes through to us, frankly, unless there is some justifiable response on the part of the department—

Hon. Mr. Wishart: Perhaps the commissioner might answer that question which you have asked; why was it necessary for so many to attend over that period of time.

Mr. Silk: Mr. Bullbrook, I would make this comment. Let me explain to you that we have five administrative divisions in the force. Administration, which in this case does the purchasing; field, which is in charge of law enforcement other than traffic law; traffic, which is in charge of traffic law enforcement; and the other two are staff services and special services, which is criminal investigation. In the latter two cases there is not so much occasion for the heads of the divisions to go out into the field as there is in the case of traffic and field.

Now, the head of field, as Bird was and the head of traffic, as Whitely was, and the 2 i/cs, which are Miller and McKie, have occasion to go about the province and to visit the 200 detachments. In the course of this they discuss many types of problems with their superintendents in charge of the districts and the commanders in charge of the detachments.

Then you have the assistant commissioner in charge of administration, who does the purchasing, that is Neil, recently retired, and his 2 i/c Chief Bolt, who is here. And you have the two from the district, who paid a great many visits—I do not deny that—Rodger and Wilson, and then you have one visit by Wilkinson, who was at that time staff sergeant, I think, in charge of the Oakville detachment.

So, if anybody had to attend those would seem, really, to be the logical people to be in attendance.

Mr. Bullbrook: Well, as for example, your—

Mr. Silk: They, of course, did not all go at the same time. This is spread over several years.

Mr. Bullbrook: Yes, I recognize that. Oh yes, entirely. Frankly—

Mr. Singer: We should get the dates, actually.

Mr. Bullbrook: We will get those dates if we want them. Do you get the feeling at all, through the Chairman, that there is not a supreme necessity—perhaps I exaggerate in the use of the words supreme necessity. Tell me why your traffic man would have to go and involve himself in the purchase of lawn equipment.

Mr. Silk: He was invited. His 2 i/c was invited, and apparently they felt that it was a justified meeting. I cannot go beyond—

Mr. Bullbrook: All right, fine. I do not think there is any necessity to go further. And I never believed in the purposeful kicking of persons when they are down, frankly. I might state—

Mr. Silk: I am not down, I do not think.

Mr. Bullbrook: Oh, no, no. I am not kicking you, sir—I mean flogging this horse. It seems to me, and I am reinforced in my thought, Commissioner, that they spend a little too much time accepting invitations of this nature. If Oakville is purely exemplary of what might go on in the rest of Ontario, then Assistant Commissioner Bird would have little time left for his traffic duties, frankly, in my respectful opinion.

Mr. Silk: I like to feel that this is an exceptional case.

Mr. Bullbrook: I hope it is. The fact of the matter is it is the only case before us at the present time.

Now I want to ask you something about the statement that was made. Might I ask of the Attorney General, Mr. Chairman, who wrote this statement? Who prepared the statement?

Hon. Mr. Wishart: The deputy prepared the statement. I reviewed it myself, and made some additions and modifications, so that it is our joint project, but largely the work of Mr. Dick.

Mr. Bullbrook: One thing I want to ask—My recollection might be wrong, but I see my colleague from Downsview has a copy of *Hansard* there. When the statement was made in connection with Commissioner Silk's involvement, or short association with Mr. Duke, I thought it was conveyed to us that the inspector and his wife had attended the Duke home in response to an invitation conveyed on the first occasion of the inspector having met Mr. Duke, and it was somewhat of a spontaneous thing. I thought that in conveying this to us at that time—and I purely bring this up to clarify my mind, not with any further motivation—that you had said that, I do not know what the words were, but Commissioner Silk and his wife were out for a drive in the area and they decided to drop in in response to—

Mr. Silk: That was said by Mr. Dick. I had a talk with Mr. Dick some time ago, and the actual facts are that we were at the reception, seated just inside the door at a table for eight or ten near the back, and these people came in late. And they sat at the closest table where there were seats. It turned out to be the Dukes. We did not have much contact with them, because, as I recall, we were just about to get to the toasts. And in the church hall, on the following Monday I think it was, the church hall after the funeral, we were asked to go to the Duke's home. I remember asking who are the Dukes? And we were told they were nice people, and they had a nice home on the way home in Burlington, and that we should drop in for a drink, and so we did.

Mr. Sargent: You never dropped in at my home.

Mr. Silk: I do not remember your inviting me, but—

Hon. Mr. Wishart: Is that an invitation?

Mr. Bullbrook: So as a matter of fact that is the situation, that your second visit, your second association rather with Duke, was a spontaneous one?

Mr. Silk: The funeral was in Dunnville and we live in Don Mills, and it was spontaneous, yes.

Mr. Bullbrook: Maybe you can help me here, Mr. Attorney General. I just want to relate myself to that again—the comments in connection with that visit. The visit after the funeral. That is on page 7, I believe. The hon. member has suggested that Superintendent—I am reading from page 7—I. R. Robbie

was killed on his way home from a party at the Duke home. This is not so I—

Hon. Mr. Wishart: I corrected that, I think.

Mr. Bullbrook: Yes; it goes on:

Superintendent Robbie was in fact struck and killed on March 30, 1968, by a truck when he was returning from the wedding reception held at the Holiday Inn, Oakville, following the marriage of the daughter of Superintendent Wilson. The funeral services for the deceased Superintendent Robbie were held on April 2 and Clinton Duke attended those services, as did Commissioner Silk, Deputy Commissioner Whitely, Superintendent Wilson, and then Superintendent Rodger, the men being accompanied by their wives.

Now it was subsequent to that that the visitation took place?

Hon. Mr. Wishart: Right. That was reported on page 8.

Mr. Bullbrook: In the interrogation of Mr. Duke, did you question him as to why he had attended the funeral of Superintendent Robbie? Was he familiar with him, with Superintendent Robbie?

Mr. Silk: You should know that Superintendent Robbie was for many years in Burlington, which would be—the Duke home is in Bronte, I think, either Bronte or Burlington—just a few miles out along the road.

Mr. Bullbrook: From the records that you have given us, there is not any association between Superintendent Robbie and Mr. Duke at all.

Mr. Silk: Oh, I am quite sure they knew each other. I should not think there is any doubt about that.

Mr. Bullbrook: Well, had there been any visits by Superintendent Robbie?

Mr. Silk: I have no idea.

Mr. Bullbrook: Well, you have given us the names of all the officers who visited—

Mr. Singer: Have these records been looked at?

Mr. Silk: No, I do not think so.

Mr. Chairman: Anything further?

Mr. Bullbrook: Yes, I am not finished, Mr. Chairman. In connection with the return visit that is mentioned here, was that just a social reciprocity?

Mr. Silk: It was indeed. The Dukes provided food for us, and we had a very pleasant time. I think we were there perhaps from seven to nine-thirty or so. Not having known the man before I thought I was observing the amenities, and I said I would like you to come and have lunch with me. Let us see if we can arrange a day, and it turns out it was the same day the following week. I think the dates were Tuesday, April 2 and Tuesday, April 9.

Mr. Bullbrook: Where was the luncheon held, sir?

Mr. Silk: At the Military Institute.

Mr. Bullbrook: And who was in attendance besides yourself and Mr. Duke?

Mr. Silk: I think Whitley and Rodger and Wilson.

Mr. Bullbrook: Rodger and Wilson came over also?

Mr. Silk: Yes.

Mr. Bullbrook: Was it a luncheon sponsored by the OPP?

Mr. Silk: No.

Mr. Bullbrook: A personal lunch?

Mr. Silk: Oh, yes.

Mr. Bullbrook: I think, sir, that it is to your advantage that I ask that question.

Mr. Silk: Well, I am glad you did if there was going to be any doubt about it. I assumed that would be understood.

Mr. Bullbrook: I do not know how you could really assume that, in fairness, Mr. Chairman, how you could assume it necessarily. It was to your advantage that I ask the question, but I am sure that when they went to the lawnoramas these officers did not pay their own way then. There is no doubt about that. But you had the common sense to pay for that luncheon yourself, which in my respectful opinion, Mr. Commissioner, I might say through the Chairman, certainly elevates you in my esteem, as one member of this committee, as separate and apart from your officers, who saw fit to attend this.

The thing that comes through to me, if I might, and I want to record a personal impression, that in the writing of this there is a tendency, if I might say Mr. Chairman, to unduly respond with vigour perhaps to the comments made by the member for High Park. Maybe there is justification in this.

But at page 14—and it struck me for example, when I read from it—Mr. Slattery at that point then enquired as to whether or not Superintendent Rodger wanted to speak to Mrs. Citron, and Superintendent Rodger emphatically denied that he wished to do so. Now maybe this is purely semantics on my part, but you do not deny a request in effect, if—

Hon. Mr. Wishart: Well I—

Mr. Bullbrook: The wording used, of emphatically denying that he wanted to speak to him, seems to me somewhat self-serving in itself.

Hon. Mr. Wishart: Well perhaps, but those are Slattery's own words.

Mr. Bullbrook: Oh, those are Slattery's own words?

Hon. Mr. Wishart: Taken from his statement.

Mr. Bullbrook: I see.

Hon. Mr. Wishart: I read the statements of these gentlemen. As I say, Mr. Dick—I do not know whether he wants credit or blame here—he largely prepared the statement. I went over it with him, and I went over it by myself, to make sure it was factual. That was my concern, that it be factual, and that it be complete.

Mr. Bullbrook: I want to question on the issuance of the gun licence, and perhaps there is some reiteration here, but I will try not to cover ground unduly. You say that the original one, issued by the chief in Oakville, was for the purpose of target practice and protection. Do your records show why Mr. Duke might have sought self-protection at that time?

Mr. Dick: It was for the conveyance—

Hon. Mr. Wishart: Most applications—

Mr. Dick: The terms are indicated on the permit. It was for his protection in conveying money from his office to his home, and between the two.

Mr. Bullbrook: And as a normal course of events, I take it presently that you would—that the issuing authority or officer would—investigate the validity or the substance of the request for self-protection?

Mr. Silk: Yes.

Hon. Mr. Wishart: I would like to add to that that I observe a good number of these

applications, particularly when they are refused by the Registrar, through the Ontario Provincial Police, and they come to me quite often as one of the main grounds for application to have a permit to carry a hand gun. The request is made on the basis of protection for some type or other. That is quite frequent in these applications.

Mr. Bullbrook: I want to also ask, you mentioned the fact that you, Mr. Attorney General, revoked the ability on the part of certain local forces to issue permits in 1965. When you did that, were the permits then issued automatically revoked?

Mr. Dick: No.

Mr. Bullbrook: So they continued, but it was necessary subsequently to secure a renewal of the licence through the OPP?

Hon. Mr. Wishart: Right.

Mr. Bullbrook: When was that renewal secured?

Mr. Dick: 1965.

Mr. Bullbrook: It expired December 31, 1969 and—what is the normal course of a permit—two years?

Mr. Dick: May I read this—

Mr. Chairman: Mr. Dick.

Mr. Dick: I would like to read the statement of the deputy commissioner who reviewed the records with respect to the permit.

Mr. Duke's permit came to Mr. Swan for a renewal for the years 1966 and 1967, and on January 8, 1968, the Registrar issued a new permit to Duke which was later extended for the period ending December 31, 1969.

And then subsequent to that, of course, the permit was revoked and was returned on January 7, 1970.

Mr. Bullbrook: Could you tell me in view of the fact that in March 1968, Superintendent Wilson had learned of his criminal record, whether any consideration was given by the force to the revocation of the licence and extent?

Mr. Silk: Mr. Swan, the then Registrar, was a civilian, and is now deceased. I am just as anxious to have the answer as you are.

Mr. Bullbrook: I take it then—along that line if I might, Mr. Chairman—is there any evidence that Superintendent Wilson, when

he became aware of the circumstances brought his knowledge to the attention of the issuing authority?

Mr. Silk: No, he heard this—he learned this from the registrar of firearms office and so when you say—did he bring it to their attention—

Mr. Bullbrook: They already knew it.

Mr. Silk: I think the question is self-answering.

Mr. Shulman: What about OPP intelligence? Was that not communicated to you?

Mr. Bullbrook: When did—I will be through shortly—when did Mr. Swan die?

Mr. Silk: Die?

Mr. Bullbrook: Yes.

Mr. Silk: About a year ago. Between one and two years.

Mr. Bullbrook: So that the present person responsible—

Mr. Silk: I think I can say that this would not happen today with the present registrar, Staff Sergeant Haughton who has already been mentioned.

Mr. Bullbrook: I see. When did he take that office?

Mr. Silk: He took over about the time Swan died, so that was also between one and two years ago.

Mr. Bullbrook: The licence only expired last December.

Mr. Silk: I see.

Mr. Bullbrook: You have probably something in the neighbourhood of a year to 18 months where, even after Mr. Swan's unfortunate death, the licence remained in existence.

Mr. Silk: I can tell you this much, Mr. Bullbrook, the last extension that I have here was signed by Swan in January 1968. The date of expiry I do not have. This is a photostatic copy of what appears to be the reverse of the one dated 1968 and the rubber stamp—Firearms Registration Branch reissued for the period ending December 31, 1969—is signed with Swan's signature. So that he was the one who signed the last extension, although the date does not appear.

Mr. Bullbrook: You are assuring us, Mr. Commissioner, that particular instance of a

person with a significant criminal record having a licence to carry a gun would no longer—would not occur again.

Mr. Silk: Yes, I can give you that assurance.

Mr. Bullbrook: That is fine. I wanted to ask a question in connection with the interrogation of witnesses relative to the allegation by the hon. member for High Park relative to the boasting by Mr. Duke of his association with OPP. It is difficult to fully digest and be able to refer back to the statement, Mr. Chairman, but what came through to me previously, as a member of the committee during the course of the statements made by the hon. member for High Park, was that Mr. Duke seemed to be a man who secured some type of vicarious pleasure from associating with senior officials of the police. Well, associating be it ever so insignificant—I think the word significant was used in your statement—with what the hon. member High Park calls known members of the Mafia. And I am just wondering in this connection if perhaps the hon. member for High Park could assist me—

Mr. Singer: He has gone.

Mr. Bullbrook: Oh, he has gone? Well, I was just wondering during the course of the investigation—because I take it what has been done is that the force itself has put an independent investigator on this to look into their own house, two of them—I am wondering if you can assist us as to whether there is any justification for my impression from the investigation that was done; because there is no doubt whether the associations were insignificant or otherwise—you admit, I believe, on page 4:

I am advised that information received from these various police forces indicates there is no record of significant contact between either of these three men and Duke.

Now the word significant is a very subjective evaluation of what constitutes contact, and since the word significant is used, it is used for a purpose so that there must have been contact, albeit in the opinion of those people investigating it was not a significant contact.

Mr. Singer: What page are you on?

Mr. Bullbrook: I am reading from page 4. Now, on the other hand we have the allegations of the hon. member for High Park that Mr. Duke boasted of his association with senior people in the OPP, and I am wondering if your investigations have in any way

substantiated that really this man did get some type of vicarious pleasure from these particular associations?

Hon. Mr. Wishart: Well, the word significant is used with respect to his associations with the names Gasbarrini and Papalia—

Mr. Bullbrook: Yes, I realize that.

Hon. Mr. Wishart: —and LeBarre. And what I intended to convey there by that word was that while there was the casual or occasional contact, like for instance meeting a fellow member of the Leander club, LeBarre, that it had no significance insofar as any criminal activity is concerned.

What, I think, appears from this is that while Duke had a past record his conduct in this country had not been criminal and that these men—as a result of this inquiry we had to let them know that they had been under surveillance and that surveillance has not indicated any contacts between them and Duke which give any indication that they were carrying on anything criminal—

Mr. Bullbrook: That is the meaning, Mr. Chairman, that I certainly got from the word significant. I took it that you meant that there was no criminal activity between them—any ascertainable activity at the present time.

Hon. Mr. Wishart: It is plain in the statement that Papalia had an apartment in a building where Duke also visits a person who has an apartment in the house. It is quite possible that—

Mr. Bullbrook: Would you clarify that for a moment? I was somewhat confused. Duke does not have this apartment under the name Johnson—he is not the tenant?

Hon. Mr. Wishart: No.

Mr. Sargent: Was it not Jones?

Mr. Bullbrook: I thought it was Johnson.

Hon. Mr. Wishart: Johnson. There is a woman.

Mr. Bullbrook: There is a woman Jones in the Papalia apartment?

Hon. Mr. Wishart: There is a woman Johnson who has an apartment—

Mr. Bullbrook: Well, there is a woman Johnson—

Hon. Mr. Wishart: On the 14th floor, and he visits there. He admits this quite frankly.

Mr. Bullbrook: As Papalia visits Jones' apartment. Right?

Hon. Mr. Wishart: Papalia has an apartment under the name of Jones on the sixth floor. Now I presume that in the moving back and forth in that apartment they might see each other.

Mr. Bullbrook: All right, sure. You say there was no significant contact. I want to ask you this. During the course of the investigation that took place, I refer you to page 13, Mr. Chairman, it refers to Mrs. Citron discussing Mr. Duke with Mrs. Slattery and it says:

Mrs. Citron had expressed to Mrs. Slattery her suggestion that officers of the Ontario provincial police were somehow influenced by Clinton Duke.

Recognizing that that relates back to the judicial proceeding, was there any investigation of Mrs. Slattery to ascertain whether there was any substance to this? That Mrs. Duke had said that Duke does boast about his association with the OPP?

Hon. Mr. Wishart: No, there is nothing of that nature. In the statement which Mrs. Citron made to the crown attorney, in her letter to me, she was at pains to say that Duke boasted that he knew the police and they were friends of his, that he wore a police tie pin which, I might say, can be purchased—the brass one, I think—for 50 cents.

When the police officer Rodger heard of that he said: "No, I am not going to see that woman at all."

Mr. Bullbrook: I am very interested, Mr. Chairman, as to whether there was any investigation made to substantiate these boasts?

My information is that Mr. Duke had boasted on several occasions. Was there any investigation made of local officers either in the Oakville department or the OPP detachment there or those environs in connection with this? Because I am told that Mr. Duke has been stopped actually by the police and boasted of his association with the commission.

Mr. Silk: Let me answer your first question.

Mr. Bullbrook: Yes.

Mr. Silk: The specific allegation which was repeated by Mrs. Citron—she was asked what it was by Mrs. Slattery—was that Rodger or Wilson had received some tractor type equipment—a snowmobile or something or

other—and that one or other of them had visited Duke's place in the Bahamas. This was limited to a charge against Rodger or Wilson. Both give complete assurance that they had not—I think they both say neither one had been in the Bahamas. They deny it completely.

Mr. Singer: They both say they have no such equipment?

Mr. Silk: They both say specifically that they received no such equipment. As far as Rodger is concerned—I think they both say they do not have snowmobiles.

Mr. Singer: Or motors?

Mr. Silk: Their denials are very comprehensive and specific at the same time—that they have received nothing of that sort and they have not stayed at his place in the Bahamas.

Mr. Bullbrook: When you say receive, of course, one does not want to insinuate unduly because that is the problem here, that there has been insinuation. But I want to get some facts of the situation. Received is again a word that connotes that there has been no specific gift made. I think that is the intention, right?

Mr. Silk: Yes.

Mr. Bullbrook: Has there been a purchase, do you know, by Wilson or Rodger from the Duke Lawn Equipment Company of any equipment? Do you know that?

Mr. Silk: Not that I know of.

Mr. Bullbrook: Not that you are aware of?

Mr. J. R. Smith (Hamilton Mountain): Mr. Chairman, on this, another question.

Mr. Chairman: On this point?

Mr. J. R. Smith: Yes, on this particular point. I wondered if there was any investigation as to whether members of either one of these particular detachments of the OPP have, during the recent years, ever borrowed any form of equipment from this Duke firm?

Mr. Silk: I think I can best answer these various questions by saying this: I assigned two experienced staff superintendents, senior people, and they were told to go out and investigate this thoroughly and find any possible connection.

Mr. Sargent: When did you do that?

Mr. Silk: Immediately after the allegations were made.

Mr. Sargent: Thank you.

Mr. Silk: They are men who are trained in taking statements. They are men who are trained at making investigations. I have every reason to believe that the results they have come up with are thorough and comprehensive.

Mr. Chairman: The member for Sarnia.

Mr. Bullbrook: I wanted to ask did they interrogate the two reporters who apparently were knowledgeable in connection with this matter?

Mr. Silk: What reporters were they?

Mr. J. R. Smith: Mr. McAuliffe.

Mr. Bullbrook: Mr. McAuliffe and I forget the other gentleman's name. The gentlemen were sitting here the day that the member for High Park originally raised this matter, and—

Mr. Silk: I do not believe so. I do not believe the reporters were interrogated.

Mr. Bullbrook: The whole thrust of this resulted from initial investigations and discussions, my understanding is, between the reporters and the member for High Park. I thought that was rather obvious, because the reporters were mentioned during the course of discussion—I am sure the record will show reporters were mentioned.

Mr. Singer: It was subsequent information.

Mr. Bullbrook: I asked: "Is the reporter here today?" And I recall the member for High Park saying: "He sits right there".

Mr. Singer: No, that was in relation to admission to the court.

Mr. Bullbrook: Admission to the court? All right, fine, but I do not think one can really disassociate the family court case entirely from the other investigation. Surely to goodness—you are looking into Duke's conduct, and I would have thought, frankly, you might well have interrogated the reporters in this connection. However, I am not a professional in the field.

That concludes my questioning. I just wanted to reiterate my thoughts in connection with it. From the statement made, and at the present time, I have to accept the validity of the statement—it is given by the Minister of Justice of this province—he makes it as his statement and I am prepared to accept the contents of the statement. As far as the statement is concerned, I am sure we

have not had an opportunity to exhaustively analyze it so that we might want to ask further questions.

My basic thought is, though, that there is not sufficient substance to the allegations made to warrant a public inquiry at this time. I also say, however, that some of the conduct of some senior members of the OPP in connection with purchasing, in my opinion, would leave something to be desired.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, the statement of the Attorney General takes four pages to tell what a good guy Mr. Duke is. I think it is a pretty frank admission that organized crime is flourishing in this province; that in this area there is a flair and a real finesse in it.

This love affair that we have between the OPP and Mr. Duke, I think, would suggest to you, Mr. Attorney General, it is only the tip of the iceberg insofar as this thing happening in Ontario is concerned. You can see it with this admission here.

Mr. MacDonald: Then you disagree with the hon. member for Sarnia?

Mr. Sargent: I am here representing my riding about it. I think the whole thing stinks, that the Attorney General will not bring this thing to a public inquiry. Let us go through this admission of yours—

An hon. member: The guillotine.

Mr. Sargent: I hope it gets full publicity in the press, which it will.

Hon. Mr. Wishart: I gave it to the press. I gave many copies to the press.

Mr. Sargent: But it is a frank admission from you, sir, and you have been very frank in your dealings here. But for instance, on page 5 you say—no, it is in the evidence that

Duke had knowledge that the building was owned by a company of which Gasbarrini really was president. Did you know that it was not owned by him?

This man was sentenced to seven years in jail for running heroin. After his release from prison he built these apartments. Now did you, the OPP, your crimebusters' squad, tell you where he got the money to build these apartments? Who put the money up? Where did the money come from?

Hon. Mr. Wishart: You are talking about Gasbarrini?

Mr. Sargent: I am getting to the association with the OPP. Repeatedly, through this admission of yours—we have, on page 6: "The commissioner, together with three other officers and their wives did attend—".

Why did they attend? Why did they have to go to that particular place?

Page 7: In 1968 they became aware of Duke's criminal record. I ask the commissioner, why did the OPP not tell the commissioner about this? Why did not the intelligence tell him this?

On the bottom of page 7: "Stopping in at the Duke home". On top of page 8: They had "a brief visit at the Duke home."

Hon. Mr. Wishart: It is all there. The whole story.

Mr. Sargent: It is all here; repeatedly.

And he says, in the middle of page 8, that—

Mr. Chairman: Order! It is 6 o'clock. Will the hon. member be brief or would he like us to adjourn and reconvene at 8 o'clock and he will have the floor at that time?

Mr. Sargent: I will come back to it. Thank you.

It being 6 o'clock, p.m., the committee took recess.



Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

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Tuesday, June 23, 1970

Evening Session

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

TUESDAY, JUNE 23, 1970

The committee resumed at 8:10 p.m.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL (Continued)

On vote 912:

Mr. Chairman: Gentlemen, as we have a quorum, I will call the meeting to order. I presume that the substitutions from the parties are the same as this afternoon, except for two changes. Mr. MacDonald, who was this afternoon substituting for Mr. Lawlor, is not here, and Mr. Lawlor himself is. So I presume that is to be corrected for this evening.

Mr. E. W. Martel (Sudbury East): Mr. Lawlor is substituting for Mr. Lawlor.

Mr. Chairman: Exactly. And Erskine Johnson will be substituting for Mr. Morin. Other than that the other substitutions which we had for this afternoon stand for this evening.

Mr. P. D. Lawlor (Lakeshore): May I say that the swan in this case has the life of a number of cats.

Mr. V. M. Singer (Downsview): Inasmuch as the swan has returned.

Mr. J. Renwick (Riverdale): Just before we resume that, we are entitled to three members on this committee, is that correct?

Mr. Chairman: That is correct.

Mr. J. Renwick: And who are the three NDPs?

Mr. Chairman: Ian Deans is your third. Ian Deans. But Mr. Shulman is substituting for Mr. Deans tonight.

Mr. J. Renwick: So we are fully represented?

Mr. Chairman: You are fully represented tonight.

Mr. E. Sargent (Grey-Bruce): I am substituting for Mr. Sopha.

Mr. Chairman: Yes, that is correct.

Mr. Sargent: Or Mr. Good.

Mr. Chairman: That is correct. Now we did not have that this afternoon. I will accept that as a substitution tonight. Mr. Sargent substituting for Mr. Good.

Mr. J. Renwick: Is Mr. Sargent substituting for Mr. Singer tonight, Mr. Chairman?

An hon. member: That might be very significant.

Mr. Singer: It is not quite that easy, Renwick. You can dream on.

Mr. Chairman: Gentlemen, when we adjourned at 6 o'clock, the hon. member for Grey-Bruce had the floor. And I will open the meeting then with the member for Grey-Bruce.

Mr. Sargent: Now, Mr. Chairman, briefly, I have to give my impression of the Attorney General's submission, and as I say again, it is 17 pages of excuses, in my opinion. But at the outset I want to say first of all, before the few questions I have, that in my opinion the commissioner, over the years, has done an excellent job, and I do feel from what we have heard that he has been led into this thing blindly. My opinion of him as a top-notch commissioner of our OPP is not changed. But I do think this places him in a very embarrassing position.

I think, Mr. Attorney General, Mr. Minister, that you have in this submission here, you have—I would like to go over it briefly, but first of all—you missed the whole point. I say to you that the policies and principles overshadow personalities in this whole bit, and this includes the dominant figure of Clinton Duke.

The blot in his record set in 1925, jail terms then, 1929 robbery with violence, weapons charge, again 1929, released and he was up again on armed robbery in the Erie county. Buffalo and FBI records show that on January 5, 1929, it was robbery with a loaded pistol. He was wanted in Toronto at the same time for attempted murder.

Toward the end of 1929 Duke was arrested and charged with a jewel theft in New York state. Both police records and newspaper

clippings reveal that Duke headed a gang of nine bandits who raided a dinner party of 18 New York notables, getting gems worth \$235,000. These gems were never returned, and it is thought that Duke still had the money. He stood trial again for the gem theft. He was identified as the leader of the gang, and received a 30-year-to-life sentence. This man is no common drunk. He is a criminal; he is a lifer.

In 1942, he was deported to Canada, where he has since established himself, and you have taken four pages to tell us at the outset of your submission that he is a pretty fine, good citizen.

Now I, as taxpayer, look to you to protect my interests. Canadian authorities, since then, gave Red Duke a licence to carry a .38 calibre revolver and this he used to threaten the life of a Burlington woman. When the Burlington police refused to charge Duke, she laid a citizen's complaint, and the case was heard in the privacy of family court.

Mr. Chairman: We have heard this before.

Mr. Sargent: I know, I am just building up—I know this Mr. Chairman, but the whole point I am trying to make is that this man is not the ideal citizen that the commissioner of our military organization—he is in charge of it—should knowingly or unknowingly be part of. So we have then, Mr. Minister, a list of 17 pages of excuses from you. I say to you very respectfully, if this is the policy of the Attorney General, then it is time we better get a new one.

Briefly, Mr. Minister, you are not an Attorney General, you are serving as a defence lawyer for this gang; the principles of justice wherein people, young people, are fed up with the hypocrisy of the older generation; where we have crime on the streets, we have drugs, organized crime. In 1963 we said we had organized crime. You people said no. Now you admit there is organized crime. So you are allowing the principle of justice to be undermined by a common criminal. I have given you his record. Now with a record like this, how does a man ever get a license to carry a gun? May I direct that question, Mr. Chairman, to the commissioner or to the minister?

Hon. A. A. Wishart (Minister of Justice): I will take it. When you are finished, I will answer you fully. Are you finished?

Mr. Sargent: On this point, yes.

Mr. Chairman: If the member for Grey-Bruce would complete his remarks, then I will call on the Attorney General.

Mr. Sargent: I would rather have at this point—I will stop and you go ahead and answer.

Hon. Mr. Wishart: All right. Mr. Chairman, I know Clinton Duke's record. The police have a complete file on it. He was born in Owen Sound.

Mr. Sargent: In Owen Sound?

Hon. Mr. Wishart: He is a Canadian.

Mr. Sargent: Born in Owen Sound?

Hon. Mr. Wishart: Yes, he is a Canadian. Did you know that?

Mr. Sargent: How can he be a bad guy?

Hon. Mr. Wishart: Well, at least he committed his first crime in Owen Sound.

An hon. member: That is a little gem that Ivor did not know.

Mr. Sargent: He was born in Owen Sound.

Hon. Mr. Wishart: Well, I am not sure.

Mr. J. Renwick: Was this information available to the police?

Hon. Mr. Wishart: This was known to the police. It was known to me.

Mr. J. Renwick: When? As of when?

Hon. Mr. Wishart: When was it known?

Mr. J. Renwick: Yes, you say you have a complete record on Mr. Duke. I would like to know. I think it is a relevant question, as of what date did you have a complete record on Mr. Duke?

Hon. Mr. Wishart: Recent, it is.

Mr. J. Renwick: Subsequent to the allegations made by my colleague, the member for High Park?

Hon. Mr. Wishart: Yes, I believe so. But his first crime was committed in Owen Sound. He is a Canadian citizen. That is the point I made. I have his record. I know the things he did, and the serious crimes he committed, in the United States. He was deported to Canada because he was a Canadian. They shipped him back here. They had a right to do this. We had no way to refuse his entry. He has been here since 1942, and in that

time he has not been engaged in criminal activity.

What I put in the statement which I have given to the members of this committee and to the press—as I read it, it was in the hands of the press—is not an excuse for Clinton Duke. It was a statement of fact, and I think any man, be he criminal, or be he citizen above reproach, is entitled to an honest statement of fact. Since his criminal record, since he came back here, this man has not been engaged in criminal activities.

Mr. Sargent: How do you know?

Hon. Mr. Wishart: Because of our intelligence. There has been no charge that he—

Mr. Sargent: He jumps back and forth to Nassau in the Bahamas all the time. That is a known hangout of the—

Hon. Mr. Wishart: There are many people who go to Nassau and the Bahamas who are not criminals, who do not engage there or here in criminal activities. We have no record that he is engaged in criminal activity in Canada.

Mr. Sargent: But he consorts with known criminals.

Hon. Mr. Wishart: My statement goes into that very thoroughly, and indicates that any contact he has had with criminals has been casual, by chance, and there is no—

Mr. Sargent: How casual can you get when the commissioner did not even know that he was a criminal? How casual can you get?

Hon. Mr. Wishart: Those criminals with whom you say he has connections have been under constant surveillance. There is no evidence that there is any criminal contact, there is no significance in those casual contacts.

Mr. Sargent: A question, sir?

Hon. Mr. Wishart: No, let me finish. There is no significance in those casual contacts which may have happened between him and Papalia, LeBarre and Gasbarrini, and I think it is only decent, fair and proper without defending Duke, without justifying his record, that one place on record the fact that this man has come to Canada with a past criminal record as we admit—it is well known—and has conducted a business here and has established himself and does business across this country, and employs a force of workmen, salesmen, office staff and sells a product which he makes in his factory.

Now if that is defending Mr. Duke, then I would have to plead guilty. But I say, it is not defending Duke, it is putting on the record certain facts. It is not an excuse. It is not 17 pages of excuses, it is 17 pages of facts, and I think the hon. member is a fair enough man to recognize that facts are the things on which one must base judgement.

I do not hold any brief for Mr. Duke at all, but I have observed that in the Houses of Parliament at Ottawa, the past year, there has been a good deal of debate about expunging of criminal records. In fact, a bill has been passed to enable that to be done. I was not going to mention that, but I think now I have to say that that bill has been passed. I do not know that I wholly agree that criminal records can be forgotten, but I think, if a criminal comes back and in 28 years in this country behaves himself, one cannot condemn him and say that one can have no association with him because he has been a criminal. If he has mended his ways, that would be unfair.

I think it is indiscreet. I think it was not good for the image which the public may get of the conduct of our police forces that they socially mingle with this man and meet him at his home. I think the commissioner is aware of that, and I indicated today in this committee that action will be taken with those officers who did not carry out the commissioner's orders that there should be no social contact. That will be attended to. Without defending Mr. Duke in any way, I am at the same time not going to be intimidated into being unfair or unjust to him, a man who is trying to make a decent way of life in this country.

Mr. J. Renwick: Mr. Chairman, on a point of order.

Mr. Chairman: State your point of order.

Mr. J. Renwick: My point is that it is not up to the Attorney General to suggest that the proceedings in this committee are engaged in the purpose of intimidating anybody, and that is my point of order, Mr. Chairman. And I want you to rule on it, or ask the Attorney General to withdraw his remark that he is not going to be intimidated. This is a committee of the Legislature.

Mr. Chairman: The Attorney General has merely stated that he is not going to be intimidated, he has not suggested that anyone has. Indeed, he is saying he is not going to be.

Mr. J. Renwick: But I think the point has been clearly made.

Hon. Mr. Wishart: And the point is taken up.

Mr. P. J. Yakabuski (Renfrew South): There have been a lot of points clearly made.

Mr. Sargent: Speaking to the point of order—

Hon. Mr. Wishart: The member for Grey-Bruce has said today—

Mr. Sargent: On a point of order, Mr. Chairman.

Hon. Mr. Wishart: All right.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: The only way that we are going to deal with this in a meaningful way, is in the sanctuary of this Legislature, in committees of public inquiry where we can name names and quit hiding this thing. That is the only way we can get to these things. These people revel in hidden things that cannot come out in the public. I thank the member for Riverdale, because we are not suggesting anything to you personally, sir. I am talking about the principles and the policies.

Hon. Mr. Wishart: Well, Mr. Chairman, then I am speaking to the point of order also. The member for Grey-Bruce has just done saying "to me personally". He says he does not say it personally; he says, you should not be Attorney General because you are defending Mr. Duke, and I am trying to get to the point that I am not defending this man, but I am placing on the record here, facts.

Mr. Sargent: Well, you will have a hell of a good time convincing me that that is not an apology.

Hon. Mr. Wishart: But I am placing on the record here facts, and if the hon. member has any other facts that contravene those facts, let him say so. Because I have stated the facts that I have found from the result of some two weeks of investigation to the ultimate degree and I say that I will not defend Duke for his past record, but I will be decent and fair to him when he tries to make an honest life in this country. And I will not accept anything which I consider to be a suggestion of intimidation, when you say, "you should resign because you do that sort of thing." That I will not for a moment accept.

The hon. member mentions organized crime—and of course organized crime, and we would be naive if we said anything else—seeks

to fasten itself upon our society, in this affluent society in this particular province of Ontario.

Wherever there is activity; wherever there is the opportunity for criminals to carry on activity; where they can make money by illegitimate means, there they will seek to come. The best way to defend that, the only way to defend that, in my view, is first of all by criminal intelligence which knows of the activities of criminals; which watches, which carries on surveillance and which is aware of the efforts of crime, criminals, but more important than that, a police force, which is above any suspicion that they are condoning or are in cahoots with or in collusion with criminals. There is nothing, there is nothing in the allegations which are made here, serious as they may be, unfortunate as they may be, which for a moment indicates that any of our police officers have been overlooking, condoning, or a party to, any criminal activity. That is the essential thing.

Mr. Sargent: How do you know that!

Hon. Mr. Wishart: From our intelligence, from our investigation. If the hon. member is suggesting—

Mr. Sargent: Would it be unfair to suggest that there could be tipoffs by police associations?

Hon. Mr. Wishart: If the hon. member is going on suspicion alone, I have to reject his suspicion. I have conducted an investigation.

Mr. Sargent: Only recently.

Hon. Mr. Wishart: Recently, yes, quite recently.

Mr. Sargent: Where is all this intelligence you are talking about in the OPP, your crime-buster force—

Hon. Mr. Wishart: If there is any suggestion—and I say there is none, and I make this very definite—if there were any suggestion that the police forces of this province, or any part of it, was in cahoots with criminals, was carrying on—

Mr. Sargent: Well, you fired two senior officers, the last of 1963, because of the McDermott business. You fired two of them.

Hon. Mr. Wishart: I am not talking about 1963, I am talking about this situation today. If there is any suggestion that our police forces were in cahoots with, or in hand with—

Mr. Sargent: They were then.

Hon. Mr. Wishart: —or in collusion with, or overlooking or condoning criminal activity, then this would be a very serious matter and I would be the first to agree.

Mr. Sargent: All right.

Hon. Mr. Wishart: But I say that my investigation, while it indicates certain social contacts, certain business contacts, does not reveal that sort of thing.

Mr. Sargent: We have not got to that yet.

Hon. Mr. Wishart: Well, I have given it in this statement, in the statement, and we have discussed it today. If we had that, I would be the first to agree that you should have an inquiry. But you do not have that. I say, organized crime certainly seeks at all times to fasten itself on our society, to infiltrate into our society, but the best safeguard is intelligence, and then they—

Mr. Sargent: Which you do not have.

Hon. Mr. Wishart: Well, let me finish. Then the integrity, the integrity of police forces—where organized crime has succeeded is where it has been able to bribe, to gain influence with politicians, the heads of municipalities, judges, the judicial people in our courts, members of legislatures, state legislatures—that is where organized crime has succeeded. And unless we have that situation, where organized crime has been able to exert its influence by way of threat or bribery or the corruption of our officials in high places, on the bench, in the legislatures, in the police forces, if you have that—

Mr. Sargent: On a point of order, the Attorney General is making statements that I cannot interject and correct as he goes along. And I want to make the fact very strong that in the area of sports, association is a crime; it is more important that association with known criminals here be a criminal offence with our police. But you negate this thing; you say this is all right, these things will go away. They will not go away. I think it is wrong for you to say that we do not have crime here. How do you know we do not have crime?

Hon. Mr. Wishart: Mr. Chairman, that is not a point of order. I was merely saying that where organized crime has succeeded, it has been able to exert its influence by intimidation or by corruption or by bribery with high officials either in our legislative halls or on the bench of our courts or with our police forces, and I say we do not have that. If we

had that or any one of those elements, I would be very concerned—I would be the most concerned.

I have not defended Mr. Duke; I have simply set forth his record, past and present, to show that the contacts which our police have had with him have not been in any way—and there is no suggestion that there has been collusion, condonation or any acceptance of any wrongful activity on his part. Indiscreet some of those contacts may have been.

Mr. Chairman: Does the member for Grey-Bruce have anything further?

Mr. Sargent: I was just going to ask him a question about gun licences. How did he get a gun licence?

Hon. Mr. Wishart: He got it from the local chief of police originally, I think in 1963, and he got it again a few years later from the local chief of police. Then we changed the procedures so that local chiefs, with the exception of—

Mr. Sargent: He did not have a gun licence for a while?

Hon. Mr. Wishart: No, he had it. He had it in 1965, and it was renewed by the local chief of police again on the next application—I am not sure of the date. Then we changed the procedure. This was a general procedure, because we had come to the point of thinking that the—

Mr. Sargent: You spelled it out here in your statement.

Hon. Mr. Wishart: Well, yes. The issue of licences to carry hand guns, that type of armament, should be tightened, should be constricted, should be restricted, and we said this will be done by the Ontario Provincial Police only. Applications could still be made to the local chiefs, but with the exception of the five major municipalities in this province—they have the right still to issue—but all other applications could come through the local police but in care of the provincial police. The last licence issued to carry, to Duke, was made to the registrar, Mr. Swan, now deceased.

Mr. Sargent: Mr. Haughton is now the registrar.

Hon. Mr. Wishart: Yes, but the last application was made to Mr. Swan who is now deceased.

Mr. Sargent: Swan gave him his licence.

Hon. Mr. Wishart: He gave him his licence. But it had been issued twice before by the local chief of police in Oakville.

Mr. Sargent: And his record was not checked?

Hon. Mr. Wishart: His record came to the attention of Mr. Swan, as I recall, some time when the last licence was issued.

Mr. Sargent: How many other gun licences in Ontario?

Hon. Mr. Wishart: And you mentioned, if I may continue, that he had threatened a woman with a gun. That is the Citron case. I have Mrs. Citron's statement; I have her letter, a great long letter, her statement. The statement goes on to describe in detail how she stood at the door of Mr. Duke's car on this occasion; he had been drinking, and she talked with him. He had a gun on the seat and he said, "I've a gun."

Mr. M. Shulman (High Park): That is incorrect.

Hon. Mr. Wishart: Well, she does. She says it to me in her statement. She said it to me in her letter.

Mr. Shulman: I have that letter.

Hon. Mr. Wishart: You have my letter?

Mr. Shulman: Your letter.

Hon. Mr. Wishart: Very well, you can read it; you read it at length. You will find she talked to him at great length, and from the way she writes it in her statement and the way she writes it in her letter to me, the conversation must have lasted 15 or 20 minutes. And she went in the house and went to bed; she did not even tell her husband about it. Forty-three days later—43 days after this incident of which she complained—and in the meantime Mr. Duke and his son had been in her house and talked with her and her husband—he called up and accused her husband of having an affair with his wife. And then she said, "I must not have this fellow bothering me. I am going to the police and I am going to complain," and she used this complaint of the gun threat not to charge him, but to ask that he be constrained to keep the peace.

Mr. Sargent: Do you have any objection to Mrs. Citron coming before this committee?

Hon. Mr. Wishart: This was 43 days later.

Mr. Shulman: What is so important about 43 days?

Hon. Mr. Wishart: If one is threatened, one would think, if the threat were taken seriously, it would have been acted upon. She did not act upon it then. It was only when this charge was made that her husband was consorting with Duke's wife—

Mr. Shulman: That is not so—

Hon. Mr. Wishart: —that she said, "I must be protected from the botheration of this man." And that is the way the matter came before the court.

Mr. Sargent: Do you have any objection to calling her before the committee?

Hon. Mr. Wishart: I do not think the Citron case has anything to do with it. The Citron case was disposed of by the court.

Mr. Sargent: How many gun licences are there issued in Ontario today?

Hon. Mr. Wishart: In 1968 there were 6,968 permits to carry. In 1969, 10,233.

Mr. Sargent: Are their records checked before they are issued a licence?

Hon. Mr. Wishart: They are checked, yes.

Mr. Sargent: But this man's was not?

Hon. Mr. Wishart: This man's was not originally; it was issued by the Oakville chief of police.

Mr. Sargent: Whoever wrote this report should be writing comedy, because—

Mr. Singer: It is not that good.

Mr. Sargent: It is not that good? On page 10—my colleague, the member for Sarnia, brought this up and I think the member for Downsview did too—the nine officers who attended 18 equipment demonstration parties to buy \$11,000 worth of equipment. Break this down and this works out they have 162 attendances; three hours each would make 486 hours or 10 weeks of man hours which would cost us \$5,000 in man hours to buy \$11,000 worth of equipment. This is completely ridiculous. Either the commissioner is overstaffed, has so much staff he does not know what to do with it—to send nine policemen out 18 times to buy \$11,000 worth of equipment.

Hon. Mr. Wishart: Where did you get the three hours?

Mr. Sargent: I would say if they had a few drinks they would sit around for three hours.

Interjections by hon. members.

Mr. Chairman: That is the first logical observation I have heard in a long time.

Mr. J. R. Smith (Hamilton Mountain): Were they allowed to drink on the job?

Mr. Sargent: Were they on the job? I would like to ask the commissioner, did you take on any new staff last year?

Mr. E. H. Silk (OPP Commissioner): Yes, we enlarged the complement by, I think, about 200—200 exactly—that includes civilians. Then with the separations, a very low separation rate, would be probably another 100, I would think.

Mr. Sargent: So you can afford to send nine men 18 times to buy some lawn mowers?

Hon. Mr. Wishart: This is over a period of five years.

Mr. Sargent: It does not matter if it is—

Mr. Silk: That is not what happened, sir, to say we sent nine men 18 times; that is not accurate at all.

Mr. Sargent: This reads:

In the investigation which I have caused to be conducted, it would appear that approximately nine officers have attended approximately 18 of these equipment demonstration parties or barbecues.

I do not know if they were on duty—were they on duty? Going to a party or barbecue to buy lawn mowers?

Mr. Silk: I do not have that information. I would assume it was during the daytime.

Hon. Mr. Wishart: That is part of their duty, to examine and purchase equipment.

Mr. Sargent: This to me is—did you ever hear of central purchasing, Mr. Commissioner?

Hon. Mr. Wishart: We have discussed that.

Mr. Sargent: Pardon me?

Hon. Mr. Wishart: We have discussed that earlier in this committee.

Mr. Sargent: I would like to know why is this not bought through central purchasing?

Mr. Silk: Here is a typical one; Bird was absent from 3 p.m. to 7 p.m., so part of that

would be on duty hours and part on his own time.

Mr. Sargent: Repeatedly through this whole piece, we have had dozens of occasions of the provincial police consorting with Mr. Duke and vice versa. We have a case here where Mr. Duke flew to Ontario from the Bahamas to attend a wedding of one of the commissioner's daughters. Why would he do that, Mr. Commissioner?

Mr. Silk: Well, I am afraid you will have to ask Mr. Duke that.

Mr. Sargent: You said today, Mr. Commissioner, that Mr. Haughton had not attended bar.

Mr. Silk: That is a fact.

Mr. Sargent: You tell me that is a fact and he told you it was a fact.

Mr. Silk: Yes.

Mr. Sargent: Is he one of the few men who never attended Duke's party?

Mr. Silk: That is my understanding.

Hon. Mr. Wishart: Once.

Mr. Sargent: I have a fact that he did attend once.

Mr. Silk: Well, Haughton was posted at Oakville for some time. If he did attend once, it was some time ago. I wish I could keep all the facts accurately in my mind. With your indulgence, I will check it.

Hon. Mr. Wishart: I think it was once, 20 years ago. And those nine officers over that period of time altogether made 18 visits.

Mr. Silk: I can give it to you right here:

In the course of my duties late in 1957 or early 1958, I tested Duke on a breathalyzer when he was arrested by Oakville OPP for impaired driving. The charge was dismissed by Magistrate Langdon.

That is the only contact, I believe.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, I would like to ask the minister if he knows through his intelligence investigation what business concerns are operated by Daniel Gasbarrini of Hamilton.

Hon. Mr. Wishart: We have an intelligence file on Gasbarrini. We know the companies

in which he is interested, in which he holds office. I do not have the file here of Gasbarrini. We know that he has some interest in the apartment building. He is president of the company.

Mr. Sargent: Have you checked his source of money?

Hon. Mr. Wishart: Well, this is very difficult.

Mr. Sargent: Why is it difficult?

Hon. Mr. Wishart: How can you find out?

Mr. Sargent: Well, usually you have the income tax and your auditors have to have a balance sheet for where your money comes from.

Hon. Mr. Wishart: This is true if he earns money in this country.

Mr. Sargent: And you, the chief law enforcement officer, Mr. Minister, cannot direct your people to find out if this is dope money, if it is stolen money? You cannot investigate that?

Hon. Mr. Wishart: We can find certain things out, but the income tax does not necessarily tell you where it comes from.

Mr. Sargent: Well, will you tell me how a man who just gets out of jail, and after seven years in jail, can launch into a multi-million-dollar apartment complex without any known source of income? These people we are talking about, the whole Oakville group, how do they live? Do you not ever check those things out? How do they live? They do not seem to work any place.

Hon. Mr. Wishart: We know that Gasbarrini has an interest in apartment building of which he is president of the company. We know that he operates a construction company in Hamilton.

Mr. Sargent: You knew that he got seven years for running heroin, did you not?

Hon. Mr. Wishart: We have his record.

Mr. Sargent: You have his record. Do you have it now or did you have it a long time ago?

Hon. Mr. Wishart: We have had it.

Mr. Sargent: You do not have it. You had it before.

Hon. Mr. Wishart: Once he has served his time, he is entitled as any other citizen to carry on legitimate business.

Mr. Sargent: Is it a coincidence that the biggest haul of heroin found in Canada was found in Oakville last year? Is that a coincidence?

Hon. Mr. Wishart: I am not sure that is so, but I do not know what they may have to do with anyone whose name is mentioned here.

Mr. Sargent: Do you know that Mr. Duke has pictures of the county judge and other law people hanging in his hall at his home?

Hon. Mr. Wishart: That was alleged, I think, by the hon. member for High Park of Magistrate Berger, now deceased—that Duke had a picture of him or a painting of him, but I did not think that was relevant particularly or of any great importance to this inquiry.

Mr. Sargent: Mr. Minister, can you advise me why you think that a private look into this case is sufficient; why we cannot have a public inquiry?

Hon. Mr. Wishart: I would say to you that if you had real evidence or anything that led to a suggestion that there was an involvement of police with criminal activity, or a condonation of criminal activity or the overlooking of criminal activity, that the parties involved were guilty of any criminal activity, then you might have a case to plead for a public inquiry.

Mr. Sargent: I think—

Hon. Mr. Wishart: If you have not that, then you are simply wasting public money.

Mr. Sargent: I am not wasting public money. It is about time, Mr. Chairman—

Mr. Chairman: Order!

Hon. Mr. Wishart: Then you would be asking for something that would be unreasonable and would give a significance to this matter which it does not for a moment deserve.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Mr. Chairman, in closing, I want to say this that what we do have to have is a public inquiry. You will find out that public concern about this is mounting and this whole case must be brought out into the open so that names can be named and associations and mobsters exposed.

Hon. Mr. Wishart: I have exposed them in my statement.

Mr. Sargent: All right. We have always said there was organized crime. Now you admit there is organized crime. To admit there is organized crime may be an embarrassment for you.

Hon. Mr. Wishart: No.

Mr. Sargent: But to continue to cover it up is a crime against society. There has been much cover up here. In view of the fact that we had Mr. Silk take over the OPP in 1963 at the time when we had the crime bill, I suggest to you now that to have known associations, through innocence on his part to be led up the garden path as this develops, I believe, could happen. But if we do not have a public inquiry, I suggest you could have an issue at hand as big as the crime bill of 1963, because people are getting fed up with your hiding and trying to sweep this under the rug.

Hon. Mr. Wishart: There has been nothing covered up here.

Mr. Sargent: We will see.

Hon. Mr. Wishart: What do you suggest is covered?

Mr. Sargent: I do not know. I think that nice guys do not win ball games and you are a nice guy and someone has got to take the gloves off against these bastards and fight them. That is all, Mr. Chairman.

Mr. Chairman: The member for High Park.

Mr. Shulman: I would like to go into these facts that the Attorney General has talked about.

Mr. Singer: Do you intend to go on as long as the House goes on, Mr. Chairman?

Mr. Chairman: No, I had not, gentlemen, I had thought that we would adjourn at 10:30 as before.

Mr. Singer: Just as long as we know the ground rules.

Mr. Chairman: We have no idea how long they will ring the bells. If the hon. member for High Park thought he could conclude his comments in a couple of minutes, I think we should adjourn now. The bells will likely ring for 10 minutes, so if the hon. member figures he can conclude his remarks—

Mr. Shulman: I can conclude. On page 4 of this—

Mr. Singer: Mr. Chairman, I do not think this is fair. If we are going to make a point,

we have got to adjourn for the bells. The member for High Park is entitled to have a good clear run at this the same as everybody else. I think we have to adjourn.

Mr. Chairman: I am inclined to agree with that view expressed by the member for Downsview. We will adjourn until after the vote has been taken.

The committee resumed at 9:35 o'clock, p.m.

Mr. Chairman: Gentlemen, we have a quorum. I will call the meeting to order. The hon. member for High Park.

Mr. Shulman: Mr. Chairman, I want to go back to the statement issued by the Attorney General, which I presume was issued after lengthy and complete investigation, as he suggested, because there are one or two things about it that I find disturbing.

Now, on page 4, referring to Mr. Duke, he said that Duke admits being acquainted with the three men but denies any association with them. I would like to ask—I do not know whether I should be asking the Attorney General or the Deputy—was some further investigation done to corroborate this statement of Duke's?

Hon. Mr. Wishart: I will answer, Mr. Chairman. The surveillance which has been carried on over a very considerable period of time with respect to the three men mentioned in the statement has not indicated in any way that the association was more than casual or occasional, or anything to do with criminal activity.

Mr. Shulman: All right. Then let me pursue this a little further. In the course of your investigation, did you bother to ask Mr. Duke's wife about his relationship with Papalia specifically.

Hon. Mr. Wishart: Mrs. Duke, I may tell you, has had her husband under surveillance. I did not want to mention this. She has had him under surveillance for two or three years.

Mr. Shulman: Yes, exactly.

Hon. Mr. Wishart: And she has not been able to—there was nothing that we gained from that that would indicate criminal association.

Mr. Shulman: Did you question Mrs. Duke? That is the question I asked. Did your officers?

Hon. Mr. Wishart: No.

Mr. Shulman: You did not question Mrs. Duke? Did your officers question Chief Lawrence?

Hon. Mr. Wishart: Chief Lawrence? Yes, I think he was questioned, He had provided certain information—

Mr. Shulman: Did he provide you with the information that Mrs. Duke had come to the police to complain that she feared for her well-being from Papalia as a result of certain incidents that had occurred at the Duke home?

Hon. Mr. Wishart: He did not disclose his informants. He gave us certain information.

Mr. Shulman: Was that the source of the information? I mean, was that the nub of the information?

Hon. Mr. Wishart: He would not disclose—

Mr. Shulman: I am sorry. Was that the nub of the information that Mrs. Duke was in fear of her well-being because of certain things that had occurred in the Duke home, certain actions that Papalia had taken?

Hon. Mr. Wishart: I cannot say that that was the nub of his information.

Mr. Shulman: Perhaps the Attorney General would tell me what Chief Lawrence did tell him.

Hon. Mr. Wishart: No, I do not think I can.

Mr. Sargent: A point of order. Can I find out who Chief Lawrence is?

Hon. Mr. Wishart: He is chief of police in Hamilton.

Mr. Shulman: The Attorney General does not want to say, but I happen to know what he told him.

Hon. Mr. Wishart: What you may know—you may reveal what I know. I have included in my statement the information that—

Mr. Shulman: All right. Will the Attorney General deny that Chief Lawrence told you that certain incidents took place in the Duke home as a result of which Mrs. Duke feared for her well-being from Papalia?

Hon. Mr. Wishart: No.

Mr. Shulman: Did he tell you about certain incidents in relation to Papalia in the Duke home?

Hon. Mr. Wishart: Mr. Chairman, I am somewhat restrained to answer here because in criminal intelligence investigations we do not reveal the name of informants. To do so is to dry up the source of information, and I can only give you the information that we have. We must retain that security or we lose our effectiveness in criminal investigation.

Mr. Shulman: I could make a comment on that subject.

Hon. Mr. Wishart: You can make a comment if you like.

Mr. Shulman: I have already given the name of the informant here tonight. Now I am not asking you the name of the informer; I am asking what Chief Lawrence told you, and it disturbs me that that is not in this statement.

Hon. Mr. Wishart: I have given the facts in the statement as far as our intelligence can go.

Mr. Shulman: Mr. Chairman, I must suggest to you that Chief Lawrence should be called here, because the information which he had supplied to the provincial police is not to the effect that this is a casual relationship but that in fact Papalia had a close relationship with Duke, as a result of which Mrs. Duke feared for her well-being. Now I would like to go on to another aspect of this.

Mr. Singer: Just on that point—

Mr. D. C. MacDonald (York South): The minister's credibility is fast disappearing.

Mr. Singer: First, on that point—

Mr. MacDonald: The Attorney General has blown his own case sky-high.

Mr. Singer: Now the member has made a pretty positive statement here, and I have listened very carefully to the Attorney General's answer, and he really has not answered it at all. Is the Attorney General confirming or denying or saying nothing?

Mr. J. E. Bullbrook (Sarnia): Mr. Chairman, I want to record that my concept in connection with this total matter was premised on the validity of the Attorney General's statement here, and I consider it very important—

Mr. MacDonald: You did not probe deep enough.

Mr. Bullbrook: No, I did not.

Mr. MacDonald: You did not even cross.

Mr. Bullbrook: I guess I am not as talented as you are.

Mr. MacDonald: No, it is not a case of talent, it is a case of—

Mr. Chairman: Order, order!

Mr. MacDonald: —pursuing your role with vigour instead of throwing in the sponge at the start.

Hon. Mr. Wishart: Mr. Chairman, the only thing I can say is that Chief Lawrence gave certain information some time back, that there might be an association between Duke and Papalia; from certain information or certain informants. That was the extent of it and I cannot—he would not reveal his informant. Our surveillance since has not established any more than the relationship I have described in the statement, and I cannot reveal the name of the informant because he did not. And I would say this—

Mr. Singer: He did not ask for the name of the informant. He asked for the information.

Hon. Mr. Wishart: He said there might an association and to reveal the names of informants would destroy any police intelligence.

Mr. Singer: Nobody has asked specifically for the name of that informant.

Hon. Mr. Wishart: I have told you what the information was.

Mr. Bullbrook: Mr. Chairman, surely to goodness, relating back to the discussion we had as to the significance of the words “significant contact” now you are telling us that a chief of police—

Hon. Mr. Wishart: Said there might be.

Mr. Bullbrook: Said there might be.

Mr. MacDonald: You see, the credibility of your own case, Mr. Attorney General, is collapsing right in front of you. Either you defend it and provide the information, or the credibility of your case collapses. It has been shaky from the outset, but it is now collapsing.

Mr. Singer: Quite apart from who told you, did Mrs. Duke complain that she was frightened of Papalia—his actions in her home? Now that is the simple question. Did she tell the police that? That is the question, and I think we are entitled to an answer on it.

Hon. Mr. Wishart: There was no such information given to us whatever.

Mr. Shulman: Call Lawrence and you will find out the truth.

Interjection by an hon. member.

Mr. Chairman: The member for High Park still has the floor.

Mr. Shulman: I am going to another point, unless somebody wishes to say something else on this point. All right, let us continue on this matter of the investigation which you did to determine what Duke's relationship was to Papalia. Did you send officers to the address which I supplied to you, with pictures of Duke? And did you show them to residents of apartments 605 and 609 to ask if actually Duke was using this apartment with Papalia?

Hon. Mr. Wishart: Did you say you supplied pictures of Duke?

Mr. Shulman: Did you go to the other people in the neighbouring apartments, the ones on either side, and ask them if Duke was using Papalia's apartment?

Hon. Mr. Wishart: Mr. Chairman, I have to ask the committee to understand that we have informants. I think it is unfortunate that I have to say this. We have informants in that part of the building, far more reliable than anyone here might have suggested. It is unfortunate that I have to even reveal that. They do not disclose that association whatsoever.

Mr. Shulman: I am not asking that.

Hon. Mr. Wishart: They have been there for some time.

Mr. Shulman: I am not asking you to disclose that. What I am asking is did police officers, since I have made these allegations, go to the neighbours—and these neighbours have no connection with the Mafia or Duke or anything else—and ask? I mean, the neighbours of 607—on either side of that—and show them pictures of Duke and ask if Duke was using Papalia's apartment?

Hon. Mr. Wishart: No.

Mr. Shulman: Does the Attorney General not think that this might be a normal course of investigation? To determine whether he was actually in the apartment?

Hon. Mr. Wishart: No, because we had our sources of information on that apartment

before this investigation and through this investigation.

Mr. Shulman: Now I am not asking you to reveal that source; but do you not think—

Hon. Mr. Wishart: I am not revealing names, I am telling you that we had that type of information continuously.

Mr. Shulman: I would like, Mr. Chairman, to suggest to you that there is going to be a further inquiry of those neighbours; they should be shown pictures of Duke and let us establish whether or not he is using that apartment. Because I am certain that he was. Now let us go on to the third point.

Hon. Mr. Wishart: Who gives you such information?

Mr. Shulman: Just like you, sir, I cannot reveal my sources. Now if I can—

Interjection by an hon. member.

Mr. Shulman: It is very easy. You call in the people involved and you will find out.

Mr. Chairman: Order!

Mr. Shulman: Now the next question. Would you mind giving us Duke's record since 1942?

Hon. Mr. Wishart: Yes. In 1942, Duke was deported to Canada. On January 15, 1958, some 16 years later, he was charged with impaired driving under section 223 of the Criminal Code; that charge was dismissed. He was charged, apparently at the same time, the same date in Oakville, with having liquor other than in his residence under section 43 of The Liquor Control Act. That charge was dismissed. He was charged on January 16—

Mr. Shulman: I am sorry to interrupt; do you also have the judge before whom he appeared at these times?

Hon. Mr. Wishart: No, I do not have that in this information. He was charged on July 16, 1959, with impaired driving under section 223 of the Criminal Code, and that charge was dismissed. At the same time, a similar charge of having liquor under section 43 other than in his residence—

Mr. Shulman: Was that also dismissed?

Hon. Mr. Wishart: That was dismissed.

Mr. Shulman: Do you have a record of who the judge was at that time?

Hon. Mr. Wishart: He was charged on December 18, 1961, with dangerous driving under section 224 of the Criminal Code. That charge was dismissed. At the same time he was charged with drunken driving under section 222 of the Criminal Code; he was fined \$300 and \$193 costs for drunken driving.

Mr. Shulman: Was his licence suspended at that time?

Mr. Bullbrook: How can you—

Mr. Shulman: Does it say who the judge was in that case?

Hon. Mr. Wishart: He was convicted of careless driving. I presume the fines relate to the careless driving.

Mr. Bullbrook: It was \$300?

Hon. Mr. Wishart: Yes, \$300, and \$193 costs.

Mr. Singer: What happened to the drunken driving?

Hon. Mr. Wishart: It was dismissed.

Mr. Singer: Dismissed?

Mr. Shulman: Was his licence suspended?

Hon. Mr. Wishart: He appealed the careless driving charge. Apparently the—

Mr. Shulman: I am sorry, I cannot hear.

Hon. Mr. Wishart: The appeal was not allowed.

Mr. Singer: The appeal was dismissed?

Hon. Mr. Wishart: The appeal was dismissed; the conviction was upheld. Then on February 19, 1970, he was charged under section 223 of the Criminal Code; that would be impaired driving. He was also charged at the same time under section 42 of The Liquor Control Act. On the Criminal Code, the charge was dismissed. He was convicted on The Liquor Control Act offence and fined \$150.

Mr. Shulman: He gets mild sentences. Tell me, in the course of your investigation into Mr. Duke's driving problems, have you found that there were any cases where police officers were going to lay charges but the charges were not laid?

Hon. Mr. Wishart: No.

Mr. A. R. Dick (Deputy Minister): We had

an inspector go out to interview all the officers that had been involved in the offences, to see if there was anything. It was recorded verbally that they could find nothing untoward—

Hon. Mr. Wishart: No, that was checked. There was no suggestion there—

Mr. Shulman: I am sorry, I cannot hear you.

Hon. Mr. Wishart: That was checked. There was no suggestion and no evidence of charges being not laid.

Mr. Shulman: There was no suggestion of that?

Mr. Dick: There was no suggestion of anything untoward or anything unusual in any of the circumstances, nor other offences other than which he had been charged.

Hon. Mr. Wishart: There was nothing untoward or that would indicate anything.

Mr. Shulman: Did you not have a provincial police officer—

Hon. Mr. Wishart: Yes, we had a police officer go out and check.

Mr. Shulman: Yes, but did that police officer not give you certain other evidence?

Hon. Mr. Wishart: No.

Mr. Dick: No. He has not come back at us with anything.

Hon. Mr. Wishart: Nothing other than these charges, which he investigated.

Mr. Shulman: I know about these charges, but about any cases in which the charges were not pressed?

Hon. Mr. Wishart: I have no evidence of that.

Mr. Shulman: Which police laid the charges in these various cases? Can you inform me of that?

Hon. Mr. Wishart: I do not have that at the moment.

Mr. Shulman: Can you find out for me which police laid the charges and who the judge was in the various cases?

Hon. Mr. Wishart: That could be obtained from the court records.

Mr. Shulman: I am going on to another matter, unless someone wishes to say something on this.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Is it known whether the OPP laid any of those charges?

Hon. Mr. Wishart: I have not got it before me, but I shall check it.

Mr. Dick: Some of them were OPP charges.

Hon. Mr. Wishart: I am informed that some of these were Ontario Provincial Police charges.

Mr. Chairman: The member for Grey-Bruce.

Mr. Sargent: Just an observation, Mr. Attorney General. On the first four pages of the report that builds up Mr. Duke, you did not record these things in your submission about what Mr. Duke had done since.

Hon. Mr. Wishart: I did. I said that the only offences that he had committed were liquor and highway traffic charges.

Mr. Sargent: I am sorry, I missed that.

Mr. Chairman: The member for Lakeshore has a question on this point.

Mr. Lawlor: A question if I may to my colleague: Are you saying that perhaps there may have been charges that were never laid?

Mr. Shulman: Yes.

Mr. Lawlor: Or are you saying also then, there were charges laid but never pressed?

Mr. Shulman: No, I am sorry, charges that were not laid.

Mr. Lawlor: Okay.

Hon. Mr. Wishart: That would be very difficult.

Mr. Lawlor: Can I have your information on that score?

An hon. member: Give us details.

Hon. Mr. Wishart: If the hon. member can give us details of these situations, that is the only way I can check them because a person may be stopped on the highway or stopped and checked and the officer be paid off and say there was no summons, no charge to be laid. But it would be very difficult to find a situation like that without some evidence.

Mr. Shulman: What I am specifically asking on the subject is, were there ever, to your knowledge at this moment, or your deputy's knowledge or the commissioner's knowledge, cases where an officer wished to lay charges and his superior officer told him not to do so?

Mr. Silk: Certainly not.

Mr. Singer: May I ask the member for High Park if he has any evidence?

Mr. Shulman: I have no concrete evidence. This is a suggestion that has been made to me. That is why I am asking about it.

Hon. Mr. Wishart: This is really very unfair—

Mr. Yakabuski: This is real Joe McCarthy stuff.

Hon. Mr. Wishart: —a difficult thing—

Mr. Chairman: Order, gentlemen.

Hon. Mr. Wishart: Mr. Chairman, this is a very difficult thing, to make an implication of this kind.

Mr. Shulman: I am not making a implication, I am asking a question.

Hon. Mr. Wishart: Well, the implication is there beyond all doubt. You ask, "Did he commit certain offences and were no charges pressed?" How does one meet the implication or allegation?

Mr. Shulman: I am just asking if you have done an investigation?

Hon. Mr. Wishart: If the hon. member can say that on such and such an occasion he was doing this or doing that, he was apprehended and no charges were laid, then I would have something to go on. But to throw out a general suggestion—

Mr. Shulman: I am not throwing out a suggestion, I am asking you a question. You have done an investigation, you have the police officers going out, and that is why I am asking you these questions.

It is obvious that you have not told us everything you found in your investigation. You conveniently forgot Chief Lawrence.

Hon. Mr. Wishart: Anyone can throw out that suggestion by asking a question, and it is a most unfair—

Mr. Sargent: He is not very far wrong, I do not think.

Hon. Mr. Wishart: It is a most unfair and unreasonable thing to do.

Mr. Shulman: Mr. Chairman, all I must say before I go ahead is that if the Attorney General in his statement had given us all the facts this would not be necessary.

Hon. Mr. Wishart: I am talking about this type of thing of which I have no knowledge.

Mr. Shulman: It is a question and it is a specific question.

Hon. Mr. Wishart: It is not a specific question.

Mr. Shulman: I am going to come to a matter that is very important because it has come up a number of times, and which I am sorry to say the Attorney General has just misled this committee, and I am going to get this on the record now completely.

Hon. Mr. Wishart: Let us have that.

Mr. Shulman: Just today the Attorney General said that in the letter which Mrs. Citron sent to him there were certain suggestions that this business with the gun was—I believe his words were: "he laid the gun on the car seat." Now I am going to read this letter. There is also a statement which he may have been referring to, but he said the letter, so let us read the letter first and I am going to get this on record completely.

Mr. Singer: Can I interrupt for a moment?

Mr. Shulman: Sure.

Mr. Singer: Are we satisfied that the letter he has in his hand is the same letter as the one that the Attorney General has.

Mr. Shulman: Yes, sir. I am satisfied.

Mr. Singer: One is a copy of the other?

Hon. Mr. Wishart: I do not know.

Mr. Singer: I would like to ask that question after the member has finished reading.

Mr. Shulman: I will read it. If there is a discrepancy, there is something wrong with the photostat machine in your office.

Mr. Chairman: Perhaps the member for High Park could identify the date of the letter.

Mr. Shulman: It is dated January 5, 1970. At the top it says "1865 Old Waterdown Road, R.R. 3, Burlington, Ontario."

Mr. Chairman: Thank you.

Mr. Shulman: The letter reads:

Dear Sir:

My name is—

Mr. Singer: Addressed to whom?

Mr. Shulman: That is all it says, it just says "Dear Sir." At the top it says "Letter to Wishart," but that was written in after; that was not on the original.

Mr. Singer: Your understanding is that this is a copy of the letter that was sent to Mr. Wishart?

Mr. Shulman: Yes. If I am wrong, I am sure the Attorney General will correct me.

Dear Sir:

My name is Elizabeth Citron and it means everything to me as a—

It looks like "daughter." I am not sure of the next word. It is a word that is hard to read but I will persist—"designer"—

My name is Elizabeth Citron and it means everything to me as a designer. But I find now my name is bandied about in both Hamilton and Burlington with ugly rumours. That is, I was having an affair with Clinton Duke. And though it may not worry as the man is 25 years older than I and I can live it down, the other rumour is that I asked that man for a cash settlement and when it was not forthcoming I went to the police to report the incident that no doubt you are familiar with.

Mr. Wishart, this is not true and I would like my name cleared. You see Clinton Duke gave my husband and I his word he would leave us alone and not come near us again. He did this in front of his son. His word which he broke only four nights later when he started again driving up and down the road in front of our house.

Six weeks later he called my husband on the phone at 2:15 a.m. and accused him of having an affair with Mrs. Duke. We had to call the police and it was how I got myself involved with a court case that finished up in family court.

Mr. Wishart, this man told me outside my house with a loaded gun in his hand that I would not dare call the police because they wouldn't dare arrest him, mentioning high officials in the OPP and Burlington police that he had so much influence that nobody would do anything to him.

I believed him because I have seen them in their company and at one time I attended a dinner in his home which had a judge as guest. Maybe he was just a magistrate, but you and I would have such people present as they would be friends, but we would not dare to compromise these people by intimidating other people at gunpoint and dropping their names. He did just that and I did not call the police because the following day he said he would leave us alone. And I gave him my word that I would not go to the mounted police. I thought the latter would listen to me.

What upset me, Mr. Wishart, while waiting for our case to be called in the Burlington court, I had the misfortune to see and hear a case where a middle-aged man was accused of molesting a young boy. How that man stood in that public court and was no doubt a sick man. He should have been interviewed in a doctor's office or in a hospital where he would get treatment but he stood in front of us all and I was very upset over the incident.

Now a man holds a loaded gun at my forehead and he does not have to stand in front of anyone, only a judge. Is that fair? If one finds injustice here, I would say it was more toward the poor sick man and not I who suffered it. But it is not fair that one should get special treatment and not the other.

I did end up in court, thank God for that, but how and which court I end up in is also another question. Mr. Wishart, I am worried that after six months he gets his gun permit back. What will happen? Then again, why worry about six months' time when he had only to take one of his other guns and come here to us and retaliate in some horrible way?

I am worried because he said for \$5,000 he can get me the cement shoe treatment and he would be 800 miles away when it happened.

I still don't know why this man could have such hatred for me. I did ask in court but nobody answered me. Nobody wants publicity and I went along with Mr. Latimer on that point because he pointed out to me in his office in the Burlington court that Clinton Duke was pleading guilty anyway, the outcome would be the same. I did not ask for the publicity and to be misquoted in the newspapers and no doubt neither did Clinton Duke.

You can imagine how I felt on the 16th of December when it was told to me he was in Burlington and how he fixed me by going into family court and that he also paid off the press. But I still went along with Mr. Latimer regarding the publicity. I did not go to the press. They came to me. I could see in court I was—

I think the next word is "fixed," I am not sure—

—when Mr. Latimer stated it was a starter's pistol he was carrying and the police report said so. It was not. He had a permit to carry a gun and they issued it to him so I gave up.

As a citizen of this country, Mr. Wishart, should I have been told I was laying a private charge? Should it take three visits to the justice of the peace? Should I have been notified what date the case was held and where? Should an offence like that be heard in the family court? After all, Clinton Duke and I are not related in any way. I went into court for two reasons: One, that all his guns would be taken away from him. Two, that the judge would take away from him his OPP tiepin he wears that he uses to intimidate young police officers.

I suppose I was asking for too much. The case is over and done with now and my reputation is ruined. Maybe you could make some statement that would help to clear up this matter and clear my name. It seems he has won out in the end. This man has pushed people around for so long with his threats and his gun. I had to stand up to him. I thought he was just a bully hiding behind the gun but now I know otherwise. If you feel you should talk to me in private, I would gladly do so and help in any way that is possible.

I remain,

Yours sincerely,
Elizabeth Citron.

That is the whole letter. There is nothing about the matter the Attorney General mentioned in the letter at all.

Hon. Mr. Wishart: What matter?

Mr. Shulman: You said earlier today that in the letter to you she said he had put the gun on the car seat and not aimed it at her. There is nothing about that in that letter at all.

I also have the statement given to the police. If the Attorney General wishes, I will read that into the record.

Hon. Mr. Wishart: You might read it in.

Mr. Shulman: All right, let us read that in so all the facts will be on the table. But certainly there is no suggestion in the letter which he referred to of the matter he suggested whatsoever.

Hon. Mr. Wishart: I mentioned the letter and the statement, I believe.

Mr. Shulman: Not tonight.

Hon. Mr. Wishart: This afternoon I did.

Mr. Shulman: Not this afternoon. I refer you back to *Hansard*. I believe I have it here.

Hon. Mr. Wishart: I think you will find I said I had the letter and I had the statement.

Mr. Shulman: I am afraid you did not.

Hon. Mr. Wishart: Read the statement in.

Mr. Shulman: I will read it in just in one moment.

Hon. Mr. Wishart: If the hon. member does not, I will.

Mr. Shulman: I am about to if you will just bear with me one moment until I get it out.

Mr. Singer: In order that I can understand this, what statements are we talking about now?

Mr. Shulman: It is a statement given by Mrs. Citron to the police.

Hon. Mr. Wishart: The statement was given to the police on October 28, 1969. Mrs. Citron wrote to me on January 5, 1970. The incident she recited took place on September 1. She laid the charge, I believe, on October 28.

Mr. Singer: This is not relevant.

Hon. Mr. Wishart: No, this is really not relevant perhaps, Mr. Chairman.

Mr. MacDonald: May I ask the Attorney General a question? Knowing what Mr. Duke's record was, why would the Attorney General not give an interview to Mrs. Citron on receipt of that letter?

Hon. Mr. Wishart: Mr. Chairman, I am very glad to answer. I wrote to Mrs. Citron. I received her letter on January 5. I made certain investigations. I wrote to her on February 10, 1970. I wrote her a letter which ran to three pages and I reviewed the whole matter with her in the letter. I ended by saying,

You suggested you would see me if I wish to talk with you. I do not think this is necessary but if there is anything more to be said, as you have written me at length and I have your very complete statement, however, I would not refuse to see you if you feel anything is to be gained by an interview. I may use your statement, your letter and my reply to properly inform those who have raised questions about the proceedings and I should expect this would set the matter at rest.

Now, she never approached me—

Mr. Shulman: Sure she did.

Hon. Mr. Wishart: Just a moment. She never replied. I took it that she was satisfied. One day some months later—this was February 10 that I replied to her—she appeared here with a group of photographers in the company of the hon. member for High Park and certain press people. I was engaged either in cabinet or a committee of the cabinet and word was carried to me that Mrs. Citron was in the building and would be glad to see me.

I could not get free at that time. I sent word to her that I could not see her immediately but I would be glad to set up an appointment for her and see her.

Mr. Shulman: That was never done.

Hon. Mr. Wishart: She did not ask for one, or follow the matter. I would have been very happy to see her if she wished to see me. I made that plain in my letter and in the message I sent her in the House.

Mr. Shulman: There was certainly a problem of communication. A gentleman came out from your office and said to Mrs. Citron that the Attorney General could not see her that day. He was busy, but he would be glad to see her another time and he would set up an appointment. And she has been waiting for someone to set that appointment up ever since.

Hon. Mr. Wishart: She came without notice with a group of photographers and press people apparently and ostensibly in response to my suggestion, but months after I had written her.

Mr. Shulman: Just in fairness to Mrs. Citron, she came down alone and when she arrived here the press people gathered about her.

Hon. Mr. Wishart: They seemed to know she was here, but I did not until I was notified in a meeting that she was here.

Mr. Shulman: Now I would like to put this—

Mr. Chairman: Order please.

Mr. Shulman: Just to complete the record I would like to put this statement into the record so it will be available because there have been so many comments made about it. This is the police statement that they took from her and perhaps then you can decide how serious this gun pointing was:

On September 1st at midnight I put out the outside lights and was on my way to bed when I saw a car turn into my drive. I did not think it was coming up to the house as quite a few cars turn into my drive and go back on to the main road. My daughter and I were about to go upstairs when I saw the car lights outside the front door. I put the lights on again and saw Mr. Duke back the car up outside by the door steps. I went outside to him. He opened the window and was sitting with his left hand on the wheel and in his right hand he held a revolver. He was very red in the face, more purple than red.

He shouted at me: "Where is the — — —". I said, "Who do you mean?"

"You know who I mean," he replied. "I am going to kill her. She will not get out of my life."

I said, "I do not know where your wife is. I have not seen her since Saturday."

He kept shouting: I am going to kill her and you next. I have warned you not to see her and I am not giving you any more warning. I will kill you as well."

I said, "Why should you kill me? I have done nothing to you."

"Yes, you did," he said. "You talked about me."

With that he caught me at my neck. Not my neck but my dress with his left hand and pulled me toward the car window and then put the gun at my forehead.

I shouted at him, "You do not shoot a person for talking; you sue them for libel or slander. You should see a lawyer before you start threatening my life."

He said, "I am a lawyer and I am not threatening your life. Be careful what you say."

I said, "Be careful what I say. What is this—a gun in my face and this is not a threat? Go ahead and shoot me you big bully. You are very brave behind a gun but you only pick on women to beat them

up. All I said about you and your wife was that you and her should have a talk and stop torturing each other. You are both human beings and this is no way to live. That is all I said to your friends. I said they also talked, I did not do the talking on my own."

He said he was going to kill his friends when he finished with me.

Then my daughter opened the door and he took the gun down from my face. She did not see the gun in my forehead, only as he took it down from my face. He kept the gun in his lap pointing up at me and said, "Get her in." I turned to my daughter and said, "Go inside Rosaleen."

She stayed at the door looking worried. Mr. Duke said, "Get her in or I will kill her too, the fat ---- and if your stupid bastard husband comes near me I will let him have it."

I called out to my daughter, "Go in Rosaleen, for God's sake, go in." She went in and stayed in the hall looking out.

I tried to talk him down from the temper he was in and said, "You told me not to come near your house. Well now I give you time to take yourself and your gun and get off this property or I will call the police and have you put off."

He got into another rage, put the gun down on the seat and got out of the car. He pointed at his chest and said, "Look at this." He was wearing the OPP tiepin and pulled back his jacket and pointed to the initials on his shirt which is G-O-D and said, "I am God. It says 'God'. You cannot touch me. Nobody can touch me. You call those cop bastards and if they lay a finger on me they will find themselves up in Kapuskasing. One silly bastard thought he could book me and now he is up there for life. You cannot call the police. The OPP will not do anything and neither will the Burlington police. I have too much influence and you are stupid. Remember you are dealing with a millionaire."

He then went on to say how he hit and that the women loved him because he could take them out in the car and give them all the expensive drinks, and a lot more silly remarks about women. By now he was quieter and started calling all his friends names and everyone connected with the family. But he had quieted down considerably.

When I could see that this was the man I knew before, in some of his better moods,

not when he was violent, it was easier to get indoors. I said to him, "Why do you go on pointing guns and saying you are going to kill us?"

He said, which he has used so often as an excuse, "It is the cortisone. It does not mix with the drink." But it is not the first time he has pointed a gun. He did it over 20 years ago to a couple that were friends of his wife. He came into their bedroom late at night with a gun in his hand and sat at the end of the bed and asked them where his wife was. I do not think cortisone was discovered then, 20 years ago, so he cannot use that excuse.

Eventually he left much quieter. Actually he was quite normal. I did not tell my husband what had happened as he was in bed and asleep when all that commotion was going on outside the house. My neighbours heard it though.

The following day, Tuesday, September 2, I told my husband when he came in from work and said I was going to the mounted police to tell them what had happened and see if they could do anything for me regarding that man driving up and down our road at night. And he used to make obscene calls to me on the telephone but that has stopped now for well over a year—the phone calls I mean—but he is constantly down on the road stopped at the bottom of the drive without his lights on, doing what I do not know.

My husband and I discussed it for a while and I said, "Maybe I should call his son Dick Duke," which I did. He came up to our home around 5.30 p.m. I told him what had taken place and he said, "That is ridiculous, he cannot do that. Why are you going to the mounted police?" And I said I could not go to the others because he has too much influence. Dick says, "He cannot have influence over a thing like that, that it seems—"

Hon. Mr. Wishart: "That is serious."

Mr. Shulman: That is right—

—"that is serious, but remember it is your story against his and he will twist your words. Let me talk to him at least, let me see what I can do." He phoned Mr. Duke from our house and asked him to come down to the plant and he would meet him there. He left us then about one hour later. Dick called me and said he wanted to—what—to the house with Mr. Duke.

Hon. Mr. Wishart: "Come up."

Mr. Shulman: That is right—

—come up to the house with Mr. Duke, which they did.

Now this is a little blurred here, but the next line I can read here—perhaps you can assist me with the top paragraph.

Hon. Mr. Wishart: “Mr. Duke was very quiet.”

Mr. Shulman: I have got that.

—and said he did not want to shoot me but he did not remember what he was doing and I started to say, “Of course, you—

Hon. Mr. Wishart: “Remember”—

Mr. Shulman:

—remember because now you are beginning to twist my words and Dick warned me you would do this very thing. Then my husband interfered and said, “Clinton, you are always welcome in this house and you are still welcome provided you behave yourself, but I cannot have my wife frightened by you and you phoning up and down the road.”

Hon. Mr. Wishart: “Phoning and driving.”

Mr. Shulman: The word is “phoning.”

Hon. Mr. Wishart: “Phoning and driving.”

Mr. Shulman: There is no “and driving” in this copy.

Hon. Mr. Wishart: “I cannot have you phoning and driving up and down the road.” That is not a photostat of this letter.

Mr. Shulman: Well there are two words left out apparently. I do not understand how that could be because it looks like a photostat.

Hon. Mr. Wishart: See there is the original —“phoning and driving up and down the road.”

Mr. Shulman: If I make any other omissions you will correct me I am sure.

“I am not going to put up with it and if you say you cannot remember what you do, do you think you are a fit person to carry a gun around?” and Mr. Duke agreed he was not fit to carry a gun.

Dick Duke said all that was due to drinking and Clinton Duke said he would cut down, and Dick said, “You will have to cut it out completely. Give your word that you will not come near the house again and leave those people alone,”

which he did. He gave his word to my husband he would leave us alone.

Then some six weeks later, October 13, he calls my husband up in the early hours of 2.15 a.m. and abused my husband on the phone and insinuated my husband was having an affair with his wife. One half hour later his wife phoned and said he was in a terrible rage, had thrown her out of the house and he was on his way up to us. Then we called the police and after my husband had made his statement I told the policeman about that gun business in September. It was on the policeman’s advice I went to see a magistrate to ask his advice. We cannot go on living in fear like this and I explained all that to the police.

Every word I put in this statement is true, I will say so under oath.

Elizabeth Citron.

And that explains the 43 days very well, I think.

Hon. Mr. Wishart: Is there a “P.S.” on that letter? Does that not appear on yours—

Mr. Shulman: Would you read the P.S.?

Hon. Mr. Wishart: May I ask how these letters were taken out of my office?

Mr. Shulman: Oh, I did not say this one was. I said the letter was, not the statement.

Hon. Mr. Wishart: How about the letter?

Mr. Shulman: Someone was good enough to use your photocopy machine. But this was not used in your—

Mr. Dick: Was somebody in our office giving information outside it?

Hon. Mr. Wishart: Did the hon. member ask me for the letter? I would have shown it to him.

Mr. Shulman: No, no. In future, if I want any letters, I will ask you if you will show them to me.

Mr. Sargent: I am going to write a book on this pretty soon.

Mr. MacDonald: Why would this kind of evidence not be put on the record instead of four pages of rather kind comments suggesting that this gentleman had reformed himself to become an exemplary citizen? The Attorney General knew this; he has this all in his file.

Hon. Mr. Wishart: This is the Citron case which was completely reviewed.

Mr. MacDonald: No, no. We are talking about Duke and the first four pages of this statement which present Duke as an exemplary individual.

Hon. Mr. Wishart: No.

Mr. MacDonald: Well anybody who wants to, can read them if he can contrast the description of Duke in those first four pages with the description which the Attorney General had in his files and chose not to present to the committee. Now we find just how incomplete was the statement that the Attorney General read to the committee.

Hon. Mr. Wishart: I insisted the statement be read in—the Citron case. As I say, the incident of which Mrs. Citron complained happened on September 1, she had the man in her house and on discussion six weeks later, on October 28, she decided to stop him bothering her, so she—

Mr. MacDonald: My point, Mr. Chairman, is simply this. The first four pages present Mr. Duke as an exemplary citizen. The Attorney General had in his files evidence to indicate that the man on occasion was pretty close to being a madman, if only under the influence of liquor. The Attorney General chose not to put that kind of information in his report. It is very, very inadequate as a report of the situation as the Attorney General must have known it.

Hon. Mr. Wishart: Mr. Chairman, I put on the record in the statement I have given to this committee and to the press the facts of Duke's criminal record which was known and his behaviour since. The Citron case—this statement was given to the police. This was public. The hon. member had it. Anyone may have it. This statement which he just read into the record and which I insisted he read in, is not a part of the—

Mr. MacDonald: I am not going to argue with the Attorney General. All I am stating is that—

Mr. Chairman: Order, order! Let the Attorney General finish his point.

Hon. Mr. Wishart: I am not arguing with the hon. member, except to say that I did not present Mr. Duke as an exemplary citizen.

Mr. MacDonald: I invite anybody at this point to read the first four pages of your statement, and what we have now seen as to

the nature of Mr. Duke as a man whether the Attorney General's first four pages and the description of Duke is accurate, we will let those who read it judge.

Hon. Mr. Wishart: And I said in my statement that there were no criminal activities of his except either traffic and liquor.

In this case he was not charged; there was no charge. He was asked—he was bound over under a section of the code to keep the peace.

Mr. MacDonald: That is a technical evasion of the most patent kind.

Hon. Mr. Wishart: It is not technical, it is accurate and factual.

Mr. Chairman: Does the member for High Park have anything further?

Mr. Singer: Could we have the P.S. the Attorney General referred to?

Hon. Mr. Wishart: Yes, I do not think it added much but—

Mr. Singer: Well, let us have the whole thing.

Hon. Mr. Wishart: The statement which Mrs. Citron made ended as the hon. member read it: "The statement is true and I will say so under oath. Signed, Elizabeth M. Citron."

And then she followed on the statement she gave the crown attorney:

On Sunday, October 12, Mr. Duke was outside my door blowing the horn of his car at 8 p.m. and causing quite a disturbance. He stayed for quite a while. Then he left and came back again at about 10:30 p.m. I do not know how long he stayed the second time but some friends of my daughter who were parked in the next driveway saw him and he saw them and he took off after them up Highway 5. My neighbour Mrs. Seymour saw him on the two occasions and she knows him.

That was it.

Mr. MacDonald: Mr. Chairman, may I draw your attention to page 3 of the statement given by the Attorney General this afternoon? One sentence which reads:

Since his return to Canada, Duke has conducted himself in what may be described as a businesslike manner and apart from certain charges that were laid arising from the operation of his motor vehicle, and certain liquor offences, there is no indication or record of any illegal activity.

Now, when a man, according to records you have in your files, is known to have pointed a gun in a frenzied state at a woman who has an awful lot of courage or indiscretion—I do not know how to describe it; she certainly is a valiant soul—and that is not deemed to be illegal activity, then I find that the strangest kind of comment from a man who is the chief law officer of the province of Ontario.

Mr. Singer: Mr. Chairman, if I may get in here just for a moment. There certainly is nothing new in the Citron-Duke incident. And I think we are just beating a dead horse in repeating these statements. We have heard a substantial portion of them a half-dozen times.

Mr. Chairman: We heard them when we were dealing with the estimates of the crown attorneys.

Mr. Singer: That is right. Now, this statement starts off by saying: "In order that the allegations may be considered"—and that is the allegation of association between the OPP and Duke. Now, I understood that was what we are discussing now. But we are back into the Citron-Duke case. I have no objection, but I thought we had exhausted that. The Attorney General and I come to different conclusions—

Hon. Mr. Wishart: The hon. member for High Park raised it.

Interjections by hon. members.

Mr. Chairman: Actually, I could not agree with the hon. member for Downsview more. The problem here is that inasmuch as we are still dealing with the statement made by the minister this afternoon, I was scarcely in a position to rule out of order the submission of this letter, even though we heard it in its entirety some days ago, if not weeks ago.

I do wish that we could bring this to early termination inasmuch as the hour is getting on. We will be adjourning in 10 minutes.

Mr. Singer: We have got a very important matter to determine here—

Interjections by hon. members.

Mr. Singer:—whether there has been an answer to the association of the OPP with people who were associated with organized crime and that is what I think we should address ourselves to.

Hon. Mr. Wishart: I agree.

Interjections by hon. members.

Mr. Sargent: Point of order.

Mr. Chairman: State your point of order.

Mr. Sargent: My point of order is my submission that the Attorney General's statement is an apologia for this man, and this—

Mr. Chairman: That is not a point of order.

Mr. Sargent:—and, Mr. Chairman, he told me—

Mr. Chairman: Order! You have no point of order.

Mr. Sargent: On my point of order, how can the member for York South get his point of order? I cannot get my point of order across.

Mr. Chairman: There are some who are able to state a point of order and others who are not and you have not been able to state yours.

The member for Renfrew South has the floor.

Mr. Yakabuski: Mr. Chairman, I have one thing I want to say at the beginning. One thing that is certainly clear from the discussions here—and if you want to tie them back to the first meeting of this committee going back some weeks—certainly it is clear that Duke, for all intents and purposes, had no connections with the Mafia nor associated with them.

Interjections by hon. members.

Mr. Yakabuski: Anyone that would do stupid things like he has done, the Mafia would not have anything to do with him. But anyway, I want to say too that another thing is very clear—that it is obvious to everyone that Mrs. Citron is not telling the entire story. That is for sure. She is only telling what she wants to.

An hon. member: That is for sure.

Mr. Yakabuski: No man is going to park in front of a lady's home or a woman's home—

Mr. Singer: The same objection I had to the statements and so on relates to this. Surely we have left the Citron case—

Mr. Chairman: Order, order!

Mr. Yakabuski: Getting back to the discussion with regard to the statement this afternoon, there were a number of points—I

think four or five in all—that we seemed to zero in on. One was the gun incident and I want to comment on that—not the gun incident so much, but the fact that Mr. Duke had a permit to carry a gun. I think anyone who is familiar with the gun regulations in this province would determine that there was nothing improper about that at all.

Mr. Shulman: Will the member permit a question? Is it proper under the gun regulations of the province for someone with a long record to be given a gun permit?

Mr. Yakabuski: Well, I do not think, from everything we have heard here in the last three weeks, that there was a continuing record after 1942 when he was dumped back into Canada. Nothing in a criminal manner. We know what his record has been since 1942, according to all the evidence here, so that point, I think, is thrown out the window.

Of course, we were talking a lot about the Duke Lawn Equipment Company and, of course, I would assume that this firm is probably one of the largest distributors of lawn equipment in Canada. I know from personal experience that many people who inquire about lawn equipment finally end up at Duke Lawn Equipment because they seem to carry the biggest line and they have what people would want.

Mr. Sargent: Do they sell guns?

Mr. Yakabuski: As far as the Ontario Provincial Police are concerned, I am sure that in the course of carrying on business Duke Lawn Equipment know many people belonging to many agencies, perhaps people from McMaster University or any group that would have occasion to purchase lawn equipment and, in turn perhaps they were invited to parties, and so on. I am sure that people connected with the Metro city parks—I am assuming they too would be invited to lawnoramas, or whatever you want to call them, at Duke Lawn Equipment. This is only natural and I do not see anything wrong there. If any members of the Ontario Provincial Police were at these places, as they have stated, it was completely in order. If somebody was trying to get in I do not think they would be long hanging around and they were not.

I would think after all the discussion Duke Lawn Equipment got today that they could slash their advertising budget considerably this year.

Mr. Chairman: The member for Riverdale.

Mr. Yakabuski: I am not through. I wanted to—

Mr. Chairman: My apologies to the member for Renfrew South; when he stopped for breath—

Mr. Yakabuski: I wanted to dwell for a moment perhaps on that apartment situation that the member for High Park seems to zero in on so often. The only thing I can think of there is that I am reminded of what Prime Minister Trudeau said maybe a year or so ago that "We have no business in the nation's bedrooms." I think that is about all it amounts to really.

Another area they seemed to like to zero in on often was Mr. Duke's record. He did come back to Canada in 1942. He has been here 28 years and outside of liquor offences and driving offences he has not been convicted on any criminal charge other than those liquor or driving convictions.

Mr. Shulman: He has not been caught.

Mr. Yakabuski: Just a moment, he has been here a long time—

Mr. Sargent: With the protection he had, he did not need—

Mr. Chairman: Order.

Mr. Yakabuski: —and, of course, I do not think we have to—We all know that under the influence of liquor many people will boast of all the connections they have and all the things they can do. You know this is one of the natural or usual effects, so I would not take statements like that to heart.

I have to agree with the member for York South that this Mrs. Citron must be a very, very brave lady to stand by that car with a gun at her head and make the statements she did. She has got more guts than anybody else in that whole Oakville area. She sure has. She is some lady, I think.

Anyway, I am certainly very happy that this thing got the full discussion that it has received during the hearing of these estimates, Mr. Chairman.

There may have been a time when there was so much of this circumstantial evidence lying around that even we, on this side, who are supposed to have faith, could have even wavered. But with this full discussion and having the matter pursued as it has been, I think a lot of things have come to light and, as I say, the thing has been diffused to a great degree.

The whole thing to me is like, let us say, a prospector going after gold and he thinks he has discovered something. He explores and he explores and finally he discovers that he has got little or nothing. As a matter of fact I think the member for High Park has struck fool's gold again.

Mr. Shulman: Right.

Mr. Yakabuski: Really, if he is serious I do not think he should be pursuing this any further because, as you all know, a couple of weeks ago I read in the press that the hon. member for High Park was going to Sicily to definitely establish Mafia connections between Duke and probably some Sicilian name over in Palermo.

Anyway, all the following week I was real worried because you know I expected to pick up a paper and read a Reuters dispatch or something saying that the dismembered body of the hon. member had been found strewn across the streets of Palermo.

Mr. Shulman: That must have been very disturbing to you, I am sure.

Mr. T. P. Reid (Rainy River): You are the worst hatchet man I have heard.

Interjections by hon. members.

Mr. Shulman: You are embarrassing the Attorney General.

Mr. Chairman: Order, order.

Mr. Yakabuski: The whole week before last I was of the opinion that the hon. member was in Sicily. Now the papers stated that he was in Sicily and he made a statement to the press saying that he was going. I think his hon. leader backed him up on it and then if that is misleading—

An hon. member: He was not in Sicily.

Another hon. member: Where was he?

An hon. member: Italy.

Mr. Yakabuski: Did they not say to the press that he was going to Sicily? That is why we were so worried.

Mr. Shulman: I am glad you were worried about me and I am glad I solved your worries by coming home safely.

Mr. Yakabuski: Then he returns, and to my surprise and my delight a week ago yesterday I see him in the Legislature—

An hon. member: He came back.

Mr. Yakabuski: Then on Friday about 11:55 a.m. he arrives in the House and makes the statement with regard to his trip to Europe saying it was long planned and it was a vacation or something to that effect anyway. The thing I want to know is why the hon. member for High Park would mislead the public into believing he had gone to Sicily to pursue the matter he had talked about at this committee meeting days before?

Mr. Shulman: If this is in order, Mr. Chairman, shall I reply?

Mr. Yakabuski: This is what you have done. You got up in the Legislature—not when the House began to sit last Friday morning but about 12 noon—and sort of straightened out the matter. But I think you should have made that statement on Monday when you returned from Europe or wherever you were because many, many people throughout this province definitely believed that you had gone to Sicily. You had not told them that you were not there.

Mr. Shulman: Well, wait a minute. Mr. Chairman, on a point of privilege; surely I can reply to this diatribe.

Mr. A. W. Downer (Dufferin-Simcoe): Time's up.

Mr. Chairman: The member for High Park rises on a point of privilege.

Mr. Shulman: First let me say that I have not at this time or at any other time misled the House. I did go to Sicily. It was originally planned as a holiday. I did not originally intend to enter Italy at all. I was going to France. It was planned well ahead to go to France, but because of all the excitement and because I had been given the name of someone who I was told could give me some information, I did go down briefly for two days.

I wrote the Attorney General in some detail as to my itinerary, I thought, after one of the members rose in the House and questioned it. I have not at any time misled anyone about this and, incidentally, I have made no allegations about what occurred over there. The allegations we are looking into are what occurred here, and that is the red herring that you are trying to—

Mr. Yakabuski: Well yes, but you could not return and make any allegations because nobody would talk to you over there. You know that. Anyway, I want to finish my remarks by saying that—

Mr. Martel: You were finished a long time ago.

Mr. Yakabuski: You may have been finished Eli, but not me. I do not feel, after a thorough discussion of this matter, I think much of it very unfortunate, that the member for High Park should be demanding a royal commission to study this.

Mr. Shulman: A public inquiry.

Mr. Yakabuski: Or a public inquiry either. I think perhaps he should be making an apology to this Legislature and to the people of this province for deliberately misleading them over some three weeks—

Mr. Shulman: Mr. Chairman, may I make that apology now? I would like to apologize to the member for Renfrew South for over-estimating his intelligence and hoping he would understand what this was all about.

Mr. Chairman: Gentlemen, the time has passed 10:30. However, I have the members for Riverdale, Lakeshore and Downsview still on my list and since the House is still sitting, it might—if we can keep our comments brief and to the point—be helpful to the committee in judging this matter in its entirety while we are all here to perhaps hear these last

three people and then maybe get on with the vote or adjourn for this evening to reconvene tomorrow afternoon.

The member for Riverdale.

Mr. J. Renwick: It is in your hands, of course. I have a series of questions but I certainly cannot indicate whether they will be brief or protracted.

Mr. Shulman: Start, go ahead.

Mr. Chairman: I think in the circumstances then, since it will likely drag out for quite some while—we have been sitting five hours today—we should adjourn the meeting. The Chairman will entertain a motion to adjourn.

Mr. Singer: Until when?

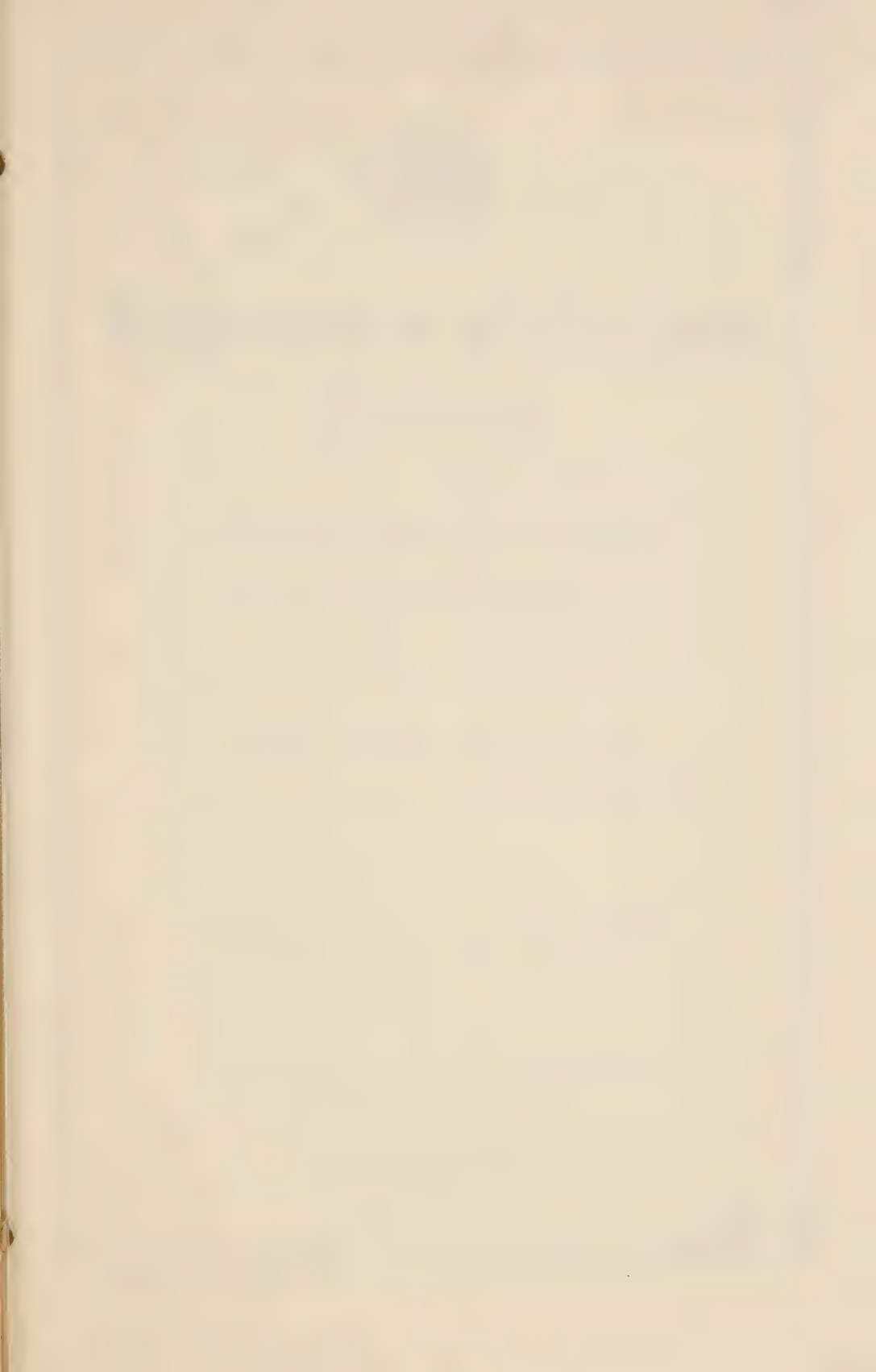
Mr. Chairman: Tomorrow afternoon at 3:30 p.m.

Mr. Singer: Why not start tomorrow morning?

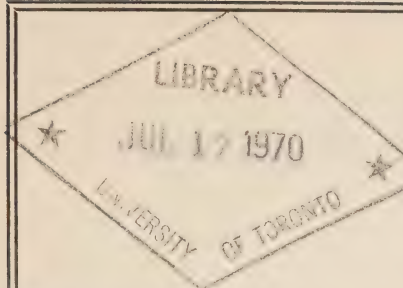
Mr. J. Renwick moves the adjournment of the committee.

Motion agreed to.

The committee adjourned at 10:35 o'clock, p.m.







Legislature of Ontario Debates

STANDING COMMITTEE ON SUPPLY

Department of Justice and Attorney General

Chairman: Mr. A. K. Meen, M.P.P.

OFFICIAL REPORT — DAILY EDITION

Third Session of the Twenty-Eighth Legislature

Wednesday, June 24, 1970

Speaker: Honourable Fred McIntosh Cass, Q.C.

Clerk: Roderick Lewis, Q.C.

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LEGISLATIVE ASSEMBLY OF ONTARIO

WEDNESDAY, JUNE 24, 1970

The committee met at 3:40 o'clock, in committee room No. 1; Mr. G. R. Carton in the chair.

ESTIMATES, DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

(continued)

Mr. Chairman: Substitutions are Mr. Shulman for Mr. Deans; Mr. Jessiman for Mr. Dunlop; Mr. Bernier for Mr. Hamilton; Mr. W. E. Johnston for Mr. R. M. Johnston; Mr. Kennedy for Mr. Price; Mr. Carruthers for Mr. Winkler.

On vote 912:

The member for Riverdale has the floor.

Mr. J. Renwick (Riverdale): Mr. Chairman, what I am going to try and do is almost a soliloquy, trying to decide in my own mind the essential need for a public inquiry into the matters raised by my colleague the member for High Park (Mr. Shulman). I therefore would simply like to get answers to various questions that I think have not been asked in quite the way that is informative to me.

As I look at it, on the one hand we have allegations with respect to the Mafia and the names which are used are Papalia, Gasbarrini and LeBarre. On the other hand we have the Ontario Provincial Police, and a number of officers of that force have been mentioned directly and others in a marginal way. And in between, we have Mr. Duke.

The question as to whether or not there should be a public inquiry depends, in my judgement, entirely on the role of Mr. Duke as some kind of a link between the Mafia on the one hand and the OPP on the other hand—without making any allegations of whether it was successful or not successful at all.

But that is the fundamental point, and I want also to let the committee know that in making up my mind, since we are not terribly familiar in a committee such as this, carrying on this kind of investigation, that I am looking at it not from the point of view of the type of proof that is used in a criminal case as to whether or not a public inquiry should be held, nor am I limiting myself to saying it

must be beyond a reasonable doubt. Certainly for the purpose of making up my own mind on this difficult matter, I am going to be governed by a question of my assessment of what the balance of probabilities is; trying to assess what has gone on before and what goes on today.

Within that framework, as I understand it, Commissioner Silk did not know of the existence of Mr. Clinton Duke prior to March 29, 1968, and that his acquaintance with Mr. Duke consisted of four occasions: the first one being the wedding of the daughter of Superintendent Wilson, the second one being the funeral service of Superintendent Robbie, the third one being the visit at the home of Mr. and Mrs. Duke on the return journey from attending the funeral, and the fourth one being the luncheon engagement in Toronto on the following week. Is that correct?

Mr. E. H. Silk (OPP Commissioner): Yes.

Mr. J. Renwick: And there has been no subsequent occasion when you have had communication with Mr. Duke or have seen him?

Mr. Silk: In no way.

Mr. J. Renwick: I would like to ask the commissioner, what prompted him to invite Mr. Duke to lunch in Toronto and where did the suggestion originate?

Mr. Silk: We had partaken of the man's hospitality which had been very graciously done and I had not met him previously. I was there with my three associates and I was simply prompted to return the gesture. I was leaving, as I recall it, and I said to him: "Why do we not have lunch together?" and we fixed a date.

Mr. J. Renwick: So that the initiative for that luncheon lay entirely with you?

Mr. Silk: Quite.

Mr. J. Renwick: No question about it. Could you give us the date of that luncheon engagement?

Mr. Silk: Yes, it was one week later. The funeral was on Tuesday, April 2, and the luncheon as it turns out was on Tuesday, the 9th.

Mr. J. Renwick: The luncheon was on April 9. The entire period of your acquaintance with Mr. Duke, if I may repeat, was between the dates of March 29 and April 9, 1968?

Mr. Silk: Yes.

Mr. J. Renwick: All right now, Mr. Chairman, do we have available to us the force history of Superintendent Wilson, as I believe he now is, and of, is it Superintendent or Assistant Commissioner Rodger?

Mr. Silk: Staff superintendent.

Mr. J. Renwick: Staff Superintendent Rodger. Do you have their history in the force, the dates of their joining the force and their promotion dates?

Mr. Silk: I could get it.

Mr. J. Renwick: Can we get that?

Mr. Silk: I can get it in fairly short order.

Mr. J. Renwick: Would it be possible to send for the history of the two men and where they were located from the time they joined the force until the present time, with the dates of their promotion from various ranks? As counterpart part of that question, so we can get it all at once, I would like to know the periods of time during which Staff Superintendent Rodger was the superior of Superintendent Wilson.

Mr. Silk: That would be included.

Mr. J. Renwick: It would be available at the same time?

Mr. Silk: He would be the superior in two respects. He was an inspector while Wilson was sergeant-major and then he was superintendent while Wilson was inspector. At the present time—and I would like to add this for clarification—Rodger is one of eight or so staff superintendents in the inspection office, while Wilson is a superintendent in the field. You are not concerned with that type of—

Mr. J. Renwick: No, because Staff Superintendent Rodger's promotion is the one that was referred to as the occasion for the party in June, 1969. That was the promotion.

Mr. Silk: You are concerned about the periods when he was Wilson's immediate superior?

Mr. J. Renwick: Yes, and not only the formal rank differential, but the time when he was the superior to Wilson and their parallel careers in the force.

Mr. Silk: Yes, I can get that.

Mr. J. Renwick: I take it that both—I use their present ranks — both Superintendent Wilson and Staff Superintendent Rodger were with you on each of the occasions when you were with Mr. Duke?

Mr. Silk: You are referring to four occasions?

Mr. J. Renwick: The four occasions.

Mr. Silk: They would be present on all of those occasions.

Mr. J. Renwick: They were your luncheon guests with Mr. Duke?

Mr. Silk: Oh, yes.

Mr. J. Renwick: And they attended the wedding and they attended the funeral and they went to the home of Mr. Duke in Burlington on the return journey?

Mr. Silk: Yes.

Mr. J. Renwick: Where were Staff Superintendent Rodger and Superintendent Wilson living at the time that you visited in the Duke home on the return journey from the funeral?

Mr. Silk: In the Hamilton area.

Mr. J. Renwick: Relatively close by?

Mr. Silk: Rodger lives up on the mountain, I think, in that part of Hamilton, and Wilson lives somewhere in the Lakeshore area. But they are both in the Hamilton area.

Mr. J. Renwick: So, in other words, they were visiting in their own relative area, relative neighbourhood?

Mr. Silk: Yes.

Mr. J. Renwick: As I understand it from the information which the Attorney General (Mr. Wishart) has furnished and the questions that were available, that to the extent that there were other occasions mentioned, it would appear that Staff Superintendent Rodger and Superintendent Wilson were present on a number of those other occasions that have nothing to do with the commissioner himself.

Mr. Silk: There does not seem to be any doubt about that.

Mr. J. Renwick: On all occasions throughout this whole piece, it would appear that those two officers of the OPP were present and involved in whatever web of circumstance or occurrences took place?

Mr. Silk: I do not like the word, "web", but I think that is an accurate statement.

Mr. J. Renwick: That would include, perhaps not all, but substantially all, of the lawnoramas and the barbecues?

Mr. Silk: That is way I get it.

Mr. J. Renwick: One of the points which bothers me more than any other is that in August of 1968, you gave an order which was relayed through an assistant commissioner—by the way, I do not know who the assistant commissioner is—

Mr. Silk: Bird.

Mr. J. Renwick: Bird? —to Staff Superintendent Rodger—I am still using his current title now.

Mr. Silk: Yes, at that time he was superintendent; he was in the field.

Mr. J. Renwick: Yes. And there is no doubt in your mind that that instruction reached Rodger and Wilson?

Mr. Silk: There is no possible doubt but that it was given in the most specific terms.

Mr. J. Renwick: Yes. And subsequent to my colleague, the member for High Park's allegations in this House, you found, in fact, two things. Not only was the instruction not relayed in the way in which it was intended to be relayed, but that secondly, in direct disobedience to your order, the two men attended a social occasion at the home of Mr. Duke subsequent to that time?

Mr. Silk: Yes, sir, I learned that last week.

Mr. J. Renwick: My concern is how and why is it that you, as the commissioner of the police, would not have suspended those two officers immediately, subject to their rights to proper hearings?

Mr. Silk: You mean when I learned of that last week?

Mr. J. Renwick: Yes.

Mr. Silk: For only one reason, because the matter was seized by the committee and I felt that it was the same as though it were before a court. As I said to Mr. Dick today, should the committee not conclude this matter

today, then I must request leave to deal with the matter in a proper disciplinary way, because I consider it is of the utmost importance that it be dealt with promptly.

Mr. J. Renwick: I want to express my view on it, and other members of the committee can speak their views on it.

As a matter of the discipline of the force, those men, in my judgement, should have been instantaneously suspended, subject to their rights of hearing and explanation and reinstatement if properly explained; if not properly explained, then dealt with in some other way.

I simply want the commissioner to know that I do not consider this to be a court of law, or anything in that nature. What we are doing here should not interfere in any way with the operation of that force, or the discharge of your responsibilities. That is my view.

So what I take it to mean is that there is no further investigation; you will take disciplinary action right away in this matter?

Mr. Silk: I intend to take it at the earliest possible moment. By that I mean as soon as the committee concludes its handling of the matter.

Mr. J. Renwick: Let me ask, what is the staff superintendent's name, the one who carried out the investigation?

Mr. Silk: Welsh?

Mr. J. Renwick: Welsh. Excuse me if I do not remember all the names.

Mr. Silk: Staff Superintendent Welsh, he is here today, and Staff Superintendent Gartner—G-a-r-t-n-e-r.

Mr. J. Renwick: Now, from whom did the staff superintendents making the investigation take statements? Could we have a list of the names of the persons from whom statements were obtained? By statements in this connection, I mean signed statements.

Mr. Silk: Well, I do not believe any statements were signed. We did not have anybody sign.

Mr. J. Renwick: There were no signed statements?

Mr. Silk: First of all, the statement taken from me was a statement I dictated myself. Are you going to list them? Do you want me—

Mr. J. Renwick: I would like to know—well, in other words, there are no signed statements. Then I would like to phrase my question differently.

Who are the persons whom the two staff superintendents questioned following the allegations by the member for High Park?

Mr. Silk: There was one signed statement. Most of these statements were taken inside the force, so to speak.

Mr. J. Renwick: Who is the signed statement from?

Mr. Silk: Slattery.

Mr. J. Renwick: Slattery?

Mr. Silk: Slattery. Signed by both Mr. and Mrs., I believe.

Mr. V. M. Singer (Downsview): Do you believe, or is it so?

Mr. Silk: Let me check. The original is back in the office. He certainly signed and Staff Welsh is not sure whether she signed or not.

Mr. J. Renwick: What were the circumstances under which this particular statement was signed? Why was it signed and no other signed statements taken?

Mr. Silk: As I say, sir, I think you will find this was the only one from outside the force. That appears to be the answer to that. All of the other statements were by members of the force.

Mr. J. Renwick: So the only signed statement is that of Mr. and Mrs. Slattery? There were no signed statements because all the other statements were taken from within the force? Who else did the—

Mr. Silk: Excuse me, Mr. Renwick. We have also a statement of Clinton Duke, but I have it listed here under the name of Grice because Staff Superintendent Grice was out on a special mission; he is in charge of the intelligence branch and took the statement.

It was not signed by Duke. No.

Mr. J. Renwick: So there is no written statement from Mr. Duke. Apart from the written statement signed by Mr. and Mrs. Slattery, the only statements, which are the only information which is now available, are responses to questions that you put. The only record of the investigation is the reports or statements prepared by Staff Superinten-

dent Welsh and Staff Superintendent Gartner, is that correct?

Mr. Silk: I do not know that that is an accurate way of expressing it, but—

Mr. J. Renwick: Would you help me express it accurately?

Mr. Silk: Statements taken by these people from the various members of the force.

Mr. J. Renwick: Well, I take a signed statement to be a statement which is either written in the hand of the person who signed it or it is a typed statement which they read over and then adopt as their own and sign. The only one in existence is the Mr. and Mrs. Slattery one. Is that correct?

So far as statements, would you explain to me then about the statements from inside the force? What do they consist of? Are they questions and answers which were recorded? Are they reports of questions and answers which were given? Are they statements made as a result of investigations? This is very, very important from my point of view.

Mr. Silk: May I make a correction? In the brief which I have are copies of these various statements; there are 20 or so of them. The copies which I have are the copies which are not signed. I understand from Staff Welsh the originals which are in his desk at the office are signed in practically every instance by the members of the force who made the statements.

Mr. J. Renwick: How many statements are there of the kind which you have just described, made by persons in the force?

Mr. Silk: Do you just want the number?

Mr. J. Renwick: Yes.

Mr. Silk: Twenty-one.

Mr. J. Renwick: Twenty-one?

Mr. Silk: Twenty-one less the Slatterys' statement.

Mr. J. Renwick: Yes, I am setting the Slattery one to one side as a special instance. There are 21 from men in the force!

Mr. Silk: Twenty-one less the Slattery statement.

Mr. J. Renwick: Twenty?

Hon. A. A. Wishart (Minister of Justice): Nineteen.

Mr. J. Renwick: Could I have the names of the persons who made those statements listed for the record?

Mr. Silk: Myself; Deputy Commissioner Whitely. The following assistant commissioners: Neil, Bird, Whitty. Do not get confused with Whitty and Whitely, as so many do. One is a deputy, the other is the assistant.

Superintendent Wilson; Inspector Wilkinson; Staff Superintendent Rodger. The following chief superintendents: Bolt, McKie, Miller.

Corporal Doherty—he was the one who rented the house. Corporal Bell, who lived next door to the stepdaughter. Constable Richardson, who ran the ball team.

Deputy Commissioner Trimble—that statement relates only to the carrying permit for the gun; Staff Sergeant Haughton; Staff Superintendent Grice; Detective Sergeant Crowley; Inspector Jones.

And then there is a statement of Mrs. Citron. It was not taken for the purpose of this. The statement I have here of Mrs. Citron was already on file.

Mr. and Mrs. Slattery—that is a single statement.

There are two further ones that have been added that I missed when I was making the count. Inspector McPherson—he is the one who believes he sold the ticket for Rodger's going-away party to Duke. Assistant Commissioner Graham—that statement relates to Graham's knowledge of Duke some 20 years ago.

Mr. J. Renwick: I will put these aside. We can come back to the substance of those matters in a few minutes. Who else was interviewed by Staff Superintendent Welsh or Staff Superintendent Gartner?

Mr. Silk: The staff assures me that that is it.

Mr. J. Renwick: There were no other persons interviewed by the investigating officers within or without the force?

Mr. Silk: Staff Grice is the head of our intelligence branch. He is the one who interviewed Clinton Duke.

Mr. J. Renwick: Just a moment now. That is Staff Superintendent Grice, yes.

Mr. Silk: And he made certain other inquiries which are very much of an intelligence nature and I hope that that assurance can suffice.

Mr. J. Renwick: Well, we can deal with that in a moment. So as I see it, the scope of this investigation is threefold. There is the interview of Mr. Duke by Staff Superintendent Grice and whatever other interviews or contacts that he needed to get information in his report, which is one of the statements.

Mr. Silk: Yes.

Mr. Singer: Through contacts or examination of intelligence files?

Mr. Silk: Examination of?

An hon. member: Intelligence files.

Mr. Silk: Intelligence files, as well as seeing certain people.

Mr. J. Renwick: Did he have a special role? Perhaps you could give me, for the moment, the chain of authority? Staff Superintendents Welsh and Gartner were charged with the responsibility of carrying out the investigation. Now would they have spoken with Staff Superintendent Grice and asked him to play a special role in that investigation? Or how did it work out that Staff Superintendent—

Mr. Silk: Well, let me give you this background. As part of our administration division we have the inspection branch comprising a number of staff superintendents whose main function, one might say, is to do the inspections of the detachments. But they also have a number of special assignments during the course of the year, of which this is one. Now—

Mr. J. Renwick: Who gave the assignment?

Mr. Silk: Pardon?

Mr. J. Renwick: Who gave Staff Superintendent Grice the assignment?

Mr. Silk: May I complete my explanation? Grice is not in administration division. Our special services division, which is the development and the expansion of the old criminal investigation branch, now has a number of branches: the criminal investigation branch, which is really homicide; anti-gambling; anti-car theft, and such, and one of those branches is intelligence. Grice is in charge of the intelligence branch. One of its substantial functions is the investigation of organized crime and so, in view of the nature of the inquiry here, I think it is quite natural that he would be requested to take on this particular aspect of it and make inquiries.

Mr. J. Renwick: I understand. I agree. It appears to be quite natural. I asked simply

who asked him to do it or instructed him to take on this part of the assignment.

Mr. Silk: Assistant Commissioner Graham has for many years been in charge of the special services division. He moved only about a week ago to take over administration. It was at the very time that we were getting this investigation started. As he sat in his new office, as the assistant commissioner of administration, going over the matter with men who had been assigned, it is a very natural thing that he would call in Grice, who had been working closely with him at his previous office in Don Mills. Graham is in Springfield today. I could get in touch and—

Mr. J. Renwick: No.

Mr. Silk: I would think that is the way it came about.

Mr. J. Renwick: Then it was likely that it was Assistant Commissioner Graham who asked or directed Staff Superintendent Grice to work with Staff Superintendent Welsh and Gartner on this case, but the prime responsibility is Welsh's and Gartner's?

Mr. Silk: Yes.

Mr. J. Renwick: How many statements did we finally end up with?

Mr. Silk: That would make 22 plus the Slattery one.

Mr. J. Renwick: Twenty-two plus Slattery. How many of these statements referred to—

Mr. P. D. Lawlor (Lakeshore): On a point of order, Mr. Chairman. As far as I am concerned, I have made a list of 19. Then on top of that are the Slattery statement and the two further statements of McPherson and Graham.

Hon. Mr. Wishart: That is 22.

Mr. Lawlor: No. Nineteen plus Slattery.

Hon. Mr. Wishart: Twenty-three.

Mr. Singer: Plus the two.

Mr. Silk: We added Graham and McPherson at the end.

Mr. Lawlor: Yes, but I thought there were 23 statements originally cited, and I can count only 19. Okay.

Mr. J. Renwick: Of the 22 statements, leaving aside the Slattery one, or the 21 statements, leaving aside the Grice one, did any of the 21 persons making the statements interview other persons with respect to the matters

under investigation, or were they dealing entirely with matters of their own recollection?

Mr. Silk: May we take a moment and go into that then?

Mr. J. Renwick: Yes.

Mr. Silk: Let us just go through them.

Mr. J. Renwick: All right.

Mr. Silk: I sat down and dictated my own statement at one sitting. Whitely's would be the same. Neil's would be the same. Bird dictated two separate statements, both very short. Whitty is a sick man. He was interviewed and, certainly, it did not involve any further checking. Wilson did not have to check with anybody while he was making his statement. On Wilkinson, the answer would be no. Rodger, the answer would be no. Bolt, the answer is the same. Similarly with McKie and Corporal Doherty. Chief Miller, no. Corporal Bell and Constable Richardson, no. I have explained to you Deputy Commissioner Trimble gave the story on the permits. He would probably go and check for dates and things like that. Haughton's is strictly his memory. Grice, you did not include in your entry. Detective Sergeant Crawley did the work on the background of Duke. He was out and got some information from the files and from Citron. Jones is the inspector at Burlington and that would be a simple statement. McPherson's was simply recollection and Graham's was simply recollection.

Mr. J. Renwick: So far as any initiative by the investigating officers is concerned, the only initiative outside the force was in connection with the Slattery statement and in connection with the work that Staff Superintendent Grice and others did.

Mr. Silk: I do not know what you mean by "initiative" in that context.

Mr. J. Renwick: Put it this way: all of the statements, with the exception of Grice, Slattery and Crawley, is all of the information on which the Attorney General's statement is based, are statements dictated or otherwise transcribed by way of recollection of the individual in a short space of time.

I would say the person was approached. May I use Mr. Lawlor as an example and I am Staff Superintendent Welsh. I go to Mr. Lawlor and I say, "Will you recall for me what you know about these events during this period of time," and he dictates what his recollection is. That is what I call

"approached"—I am trying to distinguish that from initiative where officers of the force get up and go out and carry out an investigation.

Mr. Silk: Lest the suggestion of the lack of initiative—

Mr. J. Renwick: Oh, no, I did not mean that. It is just a choice of words. I want to make the distinction that I have tried to illustrate with Mr. Lawlor.

Mr. Silk: May I make this observation. Both Welsh and Gartner have been superintendents in the field. I have great confidence in each of them and I would be confident that, had they felt that there was any need to go further, they would have done so, because their instructions were such that they were to do a thorough investigation.

Mr. J. Renwick: Any language that I used is not making any judgements about these matters.

Hon. Mr. Wishart: Mr. Chairman, I would like to clarify one thing. In connection with the way that the hon. member expressed his question a moment ago about how all of the statements were obtained with the exception of Slattery's, I want to make it clear—it came out before, but it seems to have been overlooked—there were interviews by the intelligence personnel with security people whose names do not appear.

Mr. J. Renwick: I understand—

Hon. Mr. Wishart: I just wanted to—

Mr. J. Renwick: Am I correct that, in order to narrow down the field, I have ruled out Staff Superintendent Grice for the moment? I have set him aside. I am trying simply to deal with the 22 statements from within the force, less Staff Superintendent Grice's statement.

Hon. Mr. Wishart: As long as it does not appear that I felt it was taken that that was all the interviewing that was done.

Mr. Singer: Could I interrupt this for a minute? The Attorney General used the phrase "security people." What is the connotation?

Hon. Mr. Wishart: Intelligence people.

Mr. Singer: Intelligence sources available within other forces and around, or private sources of information as well.

Mr. J. Renwick: But the link between the intelligence operation and the two investi-

gating staff superintendents, Welsh and Gartner, was Staff Superintendent Grice. This is where the information went to the investigating officers.

Mr. Silk: Grice is the head of intelligence.

Mr. J. Renwick: That is right. I think I have it clear.

Now then, was there any mention in any of those statements—again leaving aside Staff Superintendent Grice's statement, and the Slattery statement—was there any mention in any of those statements of Papalia, Gasbarrini or LeBarre?

Mr. Silk: The Duke statement was covered by Grice.

Mr. J. Renwick: Yes, the leading—

Mr. Silk: This is going to take a moment. No, there were none in the manner in which you phrase your question. Rodger does state this, so that there may be no misunderstanding between us, and this was made after the inquiry got well under way. He says:

I may add that at this time no criminal activities or associations with known criminals were even suspected of Mr. Duke, that he was a recognized and respected member of the business community.

I do not think you intended that sort of—

Mr. J. Renwick: No, I wanted to know whether the names of Papalia, Gasbarrini and LeBarre were mentioned.

Mr. Silk: No.

Mr. J. Renwick: I take it then that the only information which the investigating officers had and which you then had and the Attorney General subsequently had—so far as his statement is concerned—about the names of Papalia, Gasbarrini and LeBarre, the only information is from statements made by Duke to Grice, or obtained by Staff Superintendent Grice in his investigations of these circumstances, is that right? We are dependent entirely on Staff Superintendent Grice for anything which has to do with the Mafia as such, and Papalia, Gasbarrini and LeBarre in particular?

Mr. Silk: Which comprises the intelligence organizations of a number of the police forces and certain private sources.

Mr. J. Renwick: In other words, it comprises whatever there is in the OPP's framework of intelligence operations, so that the

total information that was available about Papalia, Gasbarrini and LeBarre was available to Staff Superintendent Grice?

Mr. Silk: I am satisfied he got all the information that could be obtained.

Mr. J. Renwick: Now when you look at the statement—and maybe it is just the way in which it is phrased, or worded—it would appear that the information—

Mr. Singer: Is that the Attorney General's statement?

Mr. J. Renwick: Yes, the Attorney General's statement. At the bottom of page 3 and on page 4, it would appear from the way I read that that the Ontario Provincial Police itself—let me narrow that down; the intelligence branch of the Ontario Provincial Police, under Staff Superintendent Grice—for the purpose of all the information that was available for this investigation, derived its information from the police of various police forces and the only information that the Attorney General had was information received from those various police forces. That is what the statement says, but that does not include the OPP?

Mr. Silk: That includes any material we have as well.

Mr. J. Renwick: That is what I would like to try to get at.

Mr. Silk: This is not going to be an easy question to answer for the reason that I feel very much embarrassed at having to discuss the general intelligence organization in Ontario because it is very important that the manner of its operation be not made public. Let me say this: There is a continual exchange of intelligence going on among a number of forces in Ontario at all times, and when I say continuous, I mean precisely that.

Mr. J. Renwick: I understand the problem and I will try my best to work around it. If I am not able to work around it then I may be forced simply to ask that the committee meet *in camera* in order to deal with it.

There can be no reason—at least I can think of no reason—for not telling the committee what other officers of what other police forces Staff Superintendent Grice interviewed, or discussed this investigation with subsequent to the allegations that were made by my colleague from High Park.

Mr. Silk: Are you suggesting that I name names?

Mr. J. Renwick: Yes, of the police force officers of the various localities.

Mr. Silk: Well, I am very much concerned about sources drying up, as the expression is, and that applies to policemen, police forces and police organizations, as well as to individual informers. I respectfully suggest that it is not in the public interest to get into that detail.

Mr. J. Renwick: So you feel that even to ask for the names of the police officers whom Staff Superintendent Grice or the members of his staff interviewed for the purpose of this investigation would be contrary to the best interest of the intelligence?

Mr. Silk: I feel very sincerely that that would impair the intelligence operation which it has taken so long to develop.

Mr. J. Renwick: All right. May I then look at the very sparse information in the Attorney General's report?

Mr. Lawlor: How can that really be? One in one area speaks to another policeman of whatever rank in another area.

I can imagine it jeopardizing your contacts outside the police forces themselves; pressing you on that would be very questionable. But is the interrelationship between police forces as to whether Grice for instance spoke to, or was in touch with—is Chief Lawrence alive still?

Mr. Silk: Yes.

Mr. Lawlor: For instance, in that instance Grice spoke to Lawrence: How can that possibly—I would like a further explanation of that.

Mr. Silk: I have had civilians ask me this before. The best thing I can do is to tell you that I find it to be a fact, whether it is a policeman or a civilian, if disclosure is made as to the source of intelligence, there is that very strong inclination that "I will be darned if I will ever talk to him again."

You may say that is not reasonable; I may feel the same way about it but I know it to be a fact. It is a matter that we have discussed on various occasions. I have had the privilege of sitting on a committee in Ottawa for some time dealing with intelligence across Canada and this is one of the problems discussed many times.

Mr. Lawlor: But people are under a bounden duty and oath to assist in all ways with the operations of the police. The inter-

relationship, the communications between them must be free-flowing and open and as available as possible.

Hon. Mr. Wishart: Mr. Chairman, the hon. member knows of an incident that happened in this city in recent days; the people will not talk, either through fear or for some other reason.

Mr. Shulman: Police officers?

Hon. Mr. Wishart: No, fear of the police officer revealing persons who talked to him.

Mr. Lawlor: Why on earth would he do that?

Mr. L. M. Reilly (Eglinton): We had a situation, Mr. Chairman, right in the city of Toronto when Bluestein, I think, was beaten up and there was not a witness who would speak.

Mr. Lawlor: That is a different situation. What we are concerned with is police officers exclusively speaking to police officers.

Hon. Mr. Wishart: About revealing their sources.

Mr. Singer: Mr. Chairman, I may be of some assistance here. A little earlier I referred to Ralph Solerno, who wrote, I thought, a very informed book called "The Crime Confederation." In that book he talks about an intelligence organization among police forces, and I thought he did it very well; he said:

Even among police forces, some large city forces are excluded and before membership to those forces is given, the people who run this closely knit intelligence organization vet the new heads.

I would think that the point that the Attorney General and Commissioner Silk are making is a valid one.

Mr. Lawlor: That is a different context again; it is completely different from mine. All we are asking is, who among the police forces, whatever police forces, particularly the local police, did Superintendent Grice speak to? We do not want to know what they said or who the sources of information are outside that. It is simply, who did he speak to? Who was he in conversation with? I do not think that is any disclosure of any secret at all.

Mr. J. Renwick: Perhaps, Mr. Chairman, I could try again. Could you give us the names of the police forces whose members were questioned or otherwise interviewed by Staff

Superintendent Grice; the names of the forces?

Mr. Silk: I have stated that this applies whether it is a policeman, a police force, a police organization or an individual. With respect, sir, I would—

Mr. M. Shulman (High Park): That is ridiculous.

Mr. J. Renwick: I am not suggesting, in any of my comments nor in any of the others, that there is any value judgement about the statement. But I am taking it that what the commissioner is saying is that it is not in the public interest for us to receive any more information about Messrs. Papalia, Gasbarrini and LeBarre, other than that which is contained on two pages; starting the last two lines on page 3, the whole of page 4, and all but the last five lines of page 5. That is the only information that we are able to have.

I am sorry, there is some on page 6 as well; no, that has nothing to do with it. I was correct the first time. The information is at the bottom of page 3, the whole of page 4 and the greater part of page 5, and that is all. If that is the case, then I would like to know—

Hon. Mr. Wishart: Could I just make clear that I understand what the hon. member is saying? That is all the information the members of the committee are to receive? I do not think it is quite that broad or that confining either. For instance, the records of those men are not set out. That record is available to us; there is no reason we could not reveal it as we did the record of Duke yesterday. But it did not seem necessary, beyond saying that they have criminal records, to detail those in the statement—

Mr. J. Renwick: I do not think that is particularly relevant. I think that the statement that the latter men have criminal records and, by reason of these records, the various police forces are familiar with their activities and their associates, is ample for my purposes to indicate, to the extent that my colleague from High Park was speaking about the Mafia, that in a collective sense he was talking about Messrs. Papalia, Gasbarrini and LeBarre. The only information that we have is "I am advised that information received from these various police forces—" and that bothers me—

Hon. Mr. Wishart: That includes their security.

Mr. J. Renwick: Yes, does that include the Ontario Provincial Police?

Hon. Mr. Wishart: Yes.

Mr. J. Renwick: I continue: "The only information available to the Ontario Provincial Police" or rather "received from various police forces indicates that there is no record of significant contact." May I ask what contacts is there a record of? The word "significant" is used here. What, exactly, is the extent of the contact?

Mr. Chairman, let me try that question again. The Attorney General states that there is no record of significant contact between either of these three men and Duke; is the rest of that paragraph then explanatory of the contacts—that Mr. Duke states he had met Papalia and Gasbarrini in the course of his business, he denies any association with them, and he spoke to LeBarre at the Leander Boat Club. Is that the extent of the contacts?

Hon. Mr. Wishart: No, Mr. Chairman. May I explain that?

Mr. J. Renwick: Yes.

Hon. Mr. Wishart: Surely I can make it plain. The statements which were obtained by Grice—and the other statements, of course—but particularly the material obtained by Grice was prepared from intelligence sources of the Ontario Provincial Police and police forces generally; from contacts and interviews with those persons who were closely aware and observing these three men. From that information my statement was prepared. I think the hon. member will not press beyond that. I was reluctant even to say as much as I said yesterday and today in that context.

Mr. J. Renwick: In other words, this statement by Duke about his business, conducting his equipment business, meeting Papalia and Gasbarrini, and his statement about meeting LeBarre at the Leander Boat Club, are in the nature of—if that was all, one could say they were insignificant. Right?

Hon. Mr. Wishart: Yes.

Mr. J. Renwick: What you have therefore said is that there is undisclosed information, for whatever the reason, about contacts between Duke, Papalia, Gasbarrini and LeBarre?

Hon. Mr. Wishart: What I am saying is that all the searching investigation that went forward—not only Duke's statement, his contacts and how he stated, which I included in my statement—but all the searching investigation which went forward was resulting from interviews with other persons who were aware of the movements of Papalia, LeBarre and

Gasbarrini, as well as Duke. That information, that intelligence given to the police, indicated that there were no contacts of any significance other than the type of thing that Duke says in his statement.

Mr. J. Renwick: But there were contacts?

Hon. Mr. Wishart: I would say no. The statement did not reveal that. The intelligence did not indicate any contacts.

Mr. J. Renwick: In other words, you are saying that Staff Superintendent Grice's statement, or his report or whatever you want to call the omnibus mass of intelligence information that Staff Superintendent Grice has at his disposal through the various police forces, states that there were no contacts between Papalia, Gasbarrini, LeBarre and Duke?

Hon. Mr. Wishart: I use the word in my statement, no "significant" contacts, which would exclude passing in an elevator or—

Mr. J. Renwick: Well, you have given us certain insignificant ones.

Hon. Mr. Wishart: The statements revealed no contact.

Mr. J. Renwick: In other words, Staff Superintendent Grice knows of no contacts between Duke on the one hand or any one of the other three?

Hon. Mr. Wishart: I think I have explained my expression in my statement. But the statements revealed no contacts other than those set forth.

Mr. J. Renwick: In other words, the word "significant" does not mean anything? It should be, "There is no record of any contacts" between either of these three men and Duke, other than what Duke himself apparently told you?

Hon. Mr. Wishart: Right.

Mr. Chairman: Has the member for Riverdale anything further?

Mr. J. Renwick: Yes, I have.

Was any interview conducted by Staff Superintendent Grice or any of the members of his branch or any of the members of these various police forces that are referred to—was any interview or were questions raised with, or discussions had by, anybody in those forces subsequent to the time of the allegations by my colleague, the member for High Park, with any of Messrs. Papalia, Gasbarrini and LeBarre?

Mr. Silk: May I go back to the other question?

Mr. J. Renwick: Yes.

Mr. Silk: This is the situation: Gasbarrini and Papalia made one or two visits in connection with lawn equipment—we know that—to the lawn equipment company. A policeman heard that there was some sinister connection, or some type of meeting, between Papalia and Duke. These men were kept under continuous surveillance, have been by certain police forces. Apart from the visits to the lawn equipment company, there were no meetings between those men and Duke. The rumour was apparently without foundation. The only other meeting that was observed was the meeting at the Leander Boat Club with LeBarre.

So you have the suggestion of a meeting with Papalia, which the continuous surveillance seemed to establish was not so; you have the visit to the equipment company by Papalia and Gasbarrini, and you have the apparently casual meeting with LeBarre at the boat club. That is the entire picture.

Mr. Chairman: The member for Riverdale?

Mr. J. Renwick: Could we have Mr. Duke's statement read into the record?

Mr. Chairman: I think the minister has that.

Hon. Mr. Wishart: I am just checking the statement to make certain—Mr. Chairman, I have examined this statement; I think we may read it in.

Mr. Chairman: Is it a lengthy statement?

Hon. Mr. Wishart: Not a great length. Two and a half pages.

Interjections by hon. members.

Mr. Singer: Mr. Chairman, could we have some order?

Mr. Chairman: I wonder if the gentlemen will kindly be quiet so that we can hear the statement by the minister.

Hon. Mr. Wishart: This is a statement as prepared by Staff Superintendent A. W. Grice and read as follows:

Clinton Duke was interviewed on two different occasions. On Monday, June 8, 1970, he was asked specifically about his relationship with John Papalia, Dante Gasbarrini and Donald (Red) LeBarre. He emphatically denied that any of these per-

sons had been at his residence. He stated that LeBarre had been at the Duke Lawn Equipment Company on Plains Road on different occasions to purchase equipment.

Mr. J. Renwick: That LeBarre had been at—

Hon. Mr. Wishart: "At the Duke Lawn Equipment Company on Plains Road on different occasions to purchase equipment."

To continue:

Gasbarrini had been there to inquire about heavy equipment but Duke does not handle the type of equipment that Gasbarrini required. He stated that to his knowledge Papalia had never been to the equipment company. He acknowledges an acquaintanceship with all three men but denies any social or business contact with them other than as outlined as above. He states that he gambles but never places bets. His gambling habits are confined mostly to crap. He advised that he first met Papalia "a year or so" ago—he could not be more specific—at Hamilton Motor Products. He has seen him on three or four occasions since, around the city—

That city would be Hamilton.

He has known Gasbarrini and LeBarre for the past few years. He denies knowing that Papalia had an apartment at 255 Bold Street or that Gasbarrini was the owner of the apartment. He states that he had been visiting Apartment 1405 for the past two-and-one-half months. He would not divulge the name of his paramour. However, she is known to us to be a Mrs. —

And I am going to omit the name and the address, which we have and which is in the statement.

Mr. Singer: You said the name yesterday.

Hon. Mr. Wishart: No. I think I said the name of the apartment in which it was taken.

Mr. Singer: Oh.

Hon. Mr. Wishart: Quoting:
—who is presently employed at—

And we have her place of employment and shall omit that.

They—that is he and the woman—used the apartment on Bold Street only for their rendezvous and it is in the name of Mrs. Johnson.

Mr. Singer: That was the name we had yesterday.

Hon. Mr. Wishart: I gave that name yesterday. That is not the name of the woman.

The apartment is vacant at other times. The affair is continuing with the knowledge of the woman's husband, who is presently employed by—

And we will leave that out.

Now there are two or three paragraphs of comment by Staff Superintendent Grice which I shall omit.

It was impressed upon Duke that nothing was to be gained by denying that the three subjects previously named had been to his residence if this were indeed a fact; that much to the contrary, if it were proven to be so after a denial from him the affair would then take on a far more serious and sinister connotation.

Clinton Duke states that he flew home from Freeport, Grand Bahamas, to attend the wedding of Superintendent A. Wilson's daughter. He also advises that he received no advantage or favour through his association with a member of the Ontario Provincial Police.

Mr. J. Renwick: What was the gist of, or the reason for, the exclusion or the failure to read into the record the two or three paragraphs? Significant?

Hon. Mr. Wishart: No, these are comments. They are not statements made by Mr. Duke. They are statements made by the staff superintendent which he inserted here of his own knowledge.

Mr. Shulman: Are they comments as to the credibility of what was said in the previous paragraph?

Hon. Mr. Wishart: Do they add to it?

Mr. Shulman: Do they refer to it? Are his comments as to the credibility of Duke's statement?

Hon. Mr. Wishart: No. I would think not. No. I think they confirm the credibility of the statement.

Mr. Chairman: Has the minister completed the recital of the statement?

Hon. Mr. Wishart: Yes.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, the report of the Attorney General states that Duke had spoken with LeBarre at the Leander Boat Club. That appears to be the only information that is available about LeBarre

from what the staff superintendent said, other than what Mr. Duke said which does not contradict that. But the report states that it was LeBarre who, on different occasions, did business at the Duke Lawn Equipment Company and that it was Gasbarrini who purchased heavy equipment, when a few minutes ago the commissioner pointed out that it appeared to be Papalia and Gasbarrini who did the business with the lawn equipment company and that the only relationship between LeBarre and Duke was the Leander Boat Club.

Mr. A. R. Dick (Deputy Minister of Justice): Mr. Chairman, I should mention that the insertion of Papalia and Gasbarrini might well have been my error—the transposition of LeBarre rather than Papalia, in the clause that reads—

Having met Papalia and Gasbarrini in the course of conducting his equipment business.

—which Mr. Renwick has referred to.

Mr. J. Renwick: Was it or was it not? I think it is extremely difficult, because the only information we have got is in the Attorney General's statement. Yet that contradicts the one statement that you have got, and that is the statement of Mr. Duke.

Let me express my concern about it at the moment. To the extent that LeBarre and Gasbarrini are involved in this—and the information seems to be rather more definite than about Papalia if it is true that there has been a mistake and that what is known about Papalia and Duke is solely what is in Duke's statement, because Mr. Duke is very hazy about Papalia—Duke is very specific that LeBarre had been at the Duke Lawn Equipment Company on different occasions, presumably had done business over a period of time, and that Gasbarrini had been there to purchase some heavy equipment but had not bought any.

Mr. Dick: Mr. Chairman, if I may, Mr. Renwick mentioned that is important in his view of it. I think I was in error in saying "having met Papalia and Gasbarrini." It was LeBarre and Gasbarrini with whom Mr. Duke recalled having had business contacts at his place of business. It was not Papalia and Gasbarrini.

Mr. J. Renwick: So, it is LeBarre and Gasbarrini—

Mr. Dick: Yes.

Mr. J. Renwick: "—in the course of conducting his equipment business. He denies any association with them. It does appear that Duke has spoken with LeBarre at the Leander Boat Club." That is a separate and distinct piece of information.

Mr. Dick: Yes.

Mr. J. Renwick: So that the result, of course, is then apart from the known fact that Mr. Papalia has a criminal record. There is no information in the Attorney General's statement about Mr. Papalia, so far as Mr. Papalia and Duke is concerned.

Mr. Singer: Except that they go to the same apartment building.

Mr. J. Renwick: Well, leaving the apartment question aside for the moment.

Hon. M. Wishart: Apartment building, yes.

Mr. J. Renwick: In other words we do not have any information about Papalia, apart from the apartment question that is coming up. Do I take it to mean then, dealing only with Papalia, that there is no information of any kind available to Staff Superintendent Grice relating to any contacts between Papalia and Duke? It seems to me that once you substitute LeBarre for Papalia in doing the business you just simply drop Papalia out entirely, except to the extent that there is something to do with this apartment which we can come to later on.

Hon. Mr. Wishart: There was, I think, Mr. Chairman, the evidence, or the statement at least, which I put on the record yesterday, of Chief Lawrence that he had been informed of a meeting between Papalia and Duke.

Mr. J. Renwick: That, Mr. Chairman—

Mr. Chairman: All right, allow the minister to finish.

Hon. Mr. Wishart: There is of course then, on the other side, the evidence which comes forward of the police surveillance and the police investigation of no known contacts.

Mr. J. Renwick: Of no contacts?

Hon. Mr. Wishart: Of no contacts, yes.

Mr. J. Renwick: Chief Lawrence, as part of this investigation, informed Staff Superintendent Grice that there had been a report of a contact between Papalia and Duke.

Hon. Mr. Wishart: No, that was prior to this investigation. That was in December, 1969.

Mr. J. Renwick: In December, 1969. And is that available as information in the files of the OPP—of Staff Superintendent Grice—or is this something that he found out from Chief Lawrence during this investigation?

Hon. Mr. Wishart: He found it out in December; it was on the files.

Mr. J. Renwick: Chief Lawrence had it, but when did the OPP find out about it?

Hon. Mr. Wishart: It was given to the OPP in 1969—December.

Mr. J. Renwick: In 1969?

Hon. Mr. Wishart: Yes. That is right.

Mr. Dick: Mr. Chairman, if I may mention it, I mentioned in the last day or so that Commissioner Silk had been informed in December, 1969, with respect to a suggestion that there might be such an association.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: But there has been no direct contact with LeBarre, Papalia or Gasbarrini during this investigation?

Hon. Mr. Wishart: No direct contact by the investigator—

Mr. J. Renwick: Police.

Hon. Mr. Wishart: Right.

Mr. J. Renwick: No direct contact; so we have no information about Papalia?

Hon. Mr. Wishart: Well, I perhaps should state that last week, I believe it was, I received a letter from Gasbarrini in which he was vehemently denying association, or contact, and complaining of the—

Mr. J. Renwick: With Duke?

Hon. Mr. Wishart: Yes.

Mr. J. Renwick: Denying association with Duke?

Hon. Mr. Wishart: No, perhaps I could just refresh my memory on what he said.

Mr. Singer: Perhaps similar to the letter that they sent to the press.

Mr. Shulman: The copy of the letter sent to the press.

Hon. Mr. Wishart: Did they send a copy of this to the press?

No, the Gasbarrini letter to me which is dated June 6 is a complaint of the allegations and innuendoes carried by the news

media and which he says are misleading, false and inflammatory. He does not mention any names.

He complains that the only thing he is guilty of is having a past criminal record and he goes on at length to complain of how his life is being—

Mr. J. Renwick: Does he deny that he knew Duke?

Hon. Mr. Wishart: He does not mention Duke, or LeBarre, or any other person. At least, any other person—he mentions Dr. Shulman.

Mr. J. Renwick: Mr. Chairman, could I then turn to the question of the apartment building—the apartment at 255 Bold Street in Hamilton. By whom is it owned?

Mr. Silk: The information was already given the first day I—

Mr. J. Renwick: What was that information? I may not have been in here.

Hon. Mr. Wishart: I think it is in the statement, I believe.

Mr. Silk: I am referring to the original allegation.

Mr. J. Renwick: That it is owned by Gasbarrini?

Mr. Silk: Yes.

Mr. J. Renwick: Personally, or through a company?

Hon. Mr. Wishart: Owned by a company of which he is president.

Mr. Singer: Terrace Creek Developments Limited, shown on page S-535 of *Hansard*.

Mr. J. Renwick: Who pays the rent on apartment 1405?

Mr. Silk: This must not be answered on suspicion. Mr. Duke denies paying the rent.

Mr. J. Renwick: Is there any known way that the police can find out who pays the rent on that apartment?

Mr. Silk: I do not think there is a satisfactory way, sir. There are reasons why we think it better not to approach those who would have the immediate knowledge.

Mr. J. Renwick: Surely Mr. Gasbarrini would be glad to co-operate? He is very much upset about the difficulty which he has run into. It seems to me he would be

glad to co-operate with the information as to who pays the rent.

Hon. Mr. Wishart: Well, Mr. Chairman, I think this relates to a matter which I wanted to speak to today in any event. I think yesterday, on the question of whether the superintendent of that apartment had been interviewed, my recollection from the statements was that he had not been interviewed and I so stated. Then, later, I gained the impression that he had been and I think I corrected it to that extent. The fact is that he was not interviewed for the reason that he was not regarded as a reliable, proper witness to approach.

Mr. Shulman: In comparison with Mr. Duke?

Hon. Mr. Wishart: And that the persons whom the police had available in that apartment to interview were the type of witness from which you could get reliable information.

Mr. Shulman: Do you only interview people you consider to be reliable?

Hon. Mr. Wishart: I would like to make that clear on the record.

Mr. J. Renwick: So there was no interview?

Mr. Shulman: That leaves an awful lot of people out of the investigation.

Mr. Chairman: Order.

Interjections by hon. members.

Mr. J. Renwick: The apartment on the sixth floor that Mr. Papalia has, is it number 607? Or, if not, what number is it? That is the right number—607. And is that in the name of Mr. Papalia?

Mr. Silk: Mr. Papalia lives there.

Mr. J. Renwick: Papalia lives there.

Mr. Shulman: In whose name is it?

Hon. Mr. Wishart: Jones, is it not?

Mr. J. Renwick: It is not under his name?

Mr. Silk: It is under the name of Jones.

Mr. Shulman: Jones? Is not Jones what Duke's alias is?

Mr. J. Renwick: And who pays the rent on that apartment? Is that known?

Mr. Silk: The name of Jones is the name of a female who at one time was residing

there along with Papalia. When I say "the name" I mean the name used.

Mr. J. Renwick: The name on the door, or in the lobby—is that it?—would be Jones?

Mr. Silk: The name used by this person.

Mr. Shulman: What is the first name of this Jones person, the name used? Is it Clinton?

Hon. Mr. Wishart: It is a woman.

Mr. J. Renwick: Is there any reason that the police know of to identify any relationship between those two apartments?

Mr. Silk: We can find no evidence of the occupants of one apartment living with or visiting the occupants of the other apartment. We can find no connection.

Mr. J. Renwick: You have no idea who pays the rent or in whose name the apartments are held other than the names you have given and the fact that you do not know who pays the rent? Could we have the first name of Jones?

Mr. Silk: Beverly.

Mr. J. Renwick: All right. Have we got the records now of Staff Superintendent Rodger and Superintendent Wilson in the force?

Mr. Silk: Do you want me to read them?

Mr. J. Renwick: Pardon?

Mr. Silk: Do you want me to read them?

Mr. J. Renwick: Please.

Mr. Silk: Wilson—and I will read it first because he has the longer service—appointed provincial constable December 4, 1939. Promoted to corporal January 1, 1949, Midland. I am not sure where he served as a constable; I believe he served at Midland too, but I am not sure. At any rate, promoted to corporal January 1, 1949, at Midland; transferred with the same rank to Oakville, in 1953—I do not have the precise date—while at Oakville, promoted to sergeant, December 1, 1957. The next three would all be at Burlington, because they are district headquarters appointments—sergeant-major, October 1, 1964; inspector, December 1, 1966, and superintendent, April 15, 1969. You do not want the date of birth, I presume.

Mr. J. Renwick: No.

Mr. Silk: Rodger, appointed special constable—this would be an appointment during

the war when they had special constables—December 16, 1941; appointed provincial constable, December 16, 1943—

Mr. J. Renwick: Stationed?

Mr. Silk: I have not got that, I can get it.

Mr. J. Renwick: All right.

Mr. Silk: Promoted to corporal—he may have been in Burk's Falls at that time—at any rate, he was appointed corporal in Burk's Falls, May 1, 1949, and to sergeant May 1, 1959. With that rank he served at Burk's Falls, Burlington and Niagara Falls. The next three are district headquarters, so they will all be Burlington district headquarters ranks—staff sergeant; February 1, 1964; inspector, October 1, 1964; superintendent, August 9, 1966; staff superintendent—

Mr. J. Renwick: Is the superintendent October 9, 1966?

Mr. Silk: Yes. I am sorry. Inspector, October 1, 1964; superintendent, August 9, 1966, and then to general headquarters in Toronto as staff superintendent, April 15, 1969.

Mr. J. Renwick: Then help me with the dates when Rodger was the superior to Wilson at Burlington. I guess the connecting period starts somewhere in 1957-1958 and—

Mr. Silk: Let me explain this to you.

Mr. J. Renwick: Yes.

Mr. Silk: When I took over the force in 1963, the senior establishment of each district headquarters was a district inspector and the 2 i/c was a staff sergeant. We have altered that in the meantime, probably around 1964 or 1965. The senior establishment now is the superintendent, the 2 i/c, who is also commissioned and is an inspector, and the third man who is a sergeant-major. With that knowledge I will try to work this out. Taking October 1, 1964, Rodger is inspector and Wilson is sergeant-major, so he is his immediate superior there.

Mr. J. Renwick: October 1?

Mr. Silk: 1964.

Mr. J. Renwick: In 1964, Rodger is—

Mr. Silk: Rodger becomes inspector and Wilson becomes sergeant-major. Then in August, 1966, Rodger becomes superintendent and, in December, 1966, Wilson becomes inspector. Now this is surmised, but I think it

is right. That was the period when we had moved Wilson to do a special job in London. Do you recall the—

Mr. J. Renwick: Yes, I do.

Mr. Silk: So then Rodger ceases on April 15, 1969, to be his immediate superior, because Rodger moves to Toronto in the staff office and Wilson takes over as superintendent.

Let me go back prior to the dates I have given you, because in December, 1957, Wilson became sergeant in charge of the Oakville detachment and Rodger became staff sergeant at district headquarters on February 1, 1964. So it would be on February 1, 1964, when Rodger was staff sergeant at Burlington and Wilson was sergeant at Oakville, that Rodger first became his immediate superior, the one being at district headquarters, the other being at the detachment.

Mr. J. Renwick: Wilson was Sergeant Rodger's staff sergeant on February 1, 1964?

Mr. Silk: Staff sergeant is what now corresponds to sergeant major.

Mr. J. Renwick: Right. So we have a period of prior acquaintance, of course, because they are both, either in the Burlington or in the Oakville area, going back for a while.

Mr. Silk: No. 3 district.

Mr. J. Renwick: Then there is this relationship of an immediate superior, of Rodger's being immediate superior of Wilson for something over five years, going back to February 1, 1964. They have been very closely associated throughout all that time?

Mr. Silk: Right.

Mr. J. Renwick: Do we have the information now that was requested yesterday on the charges against Mr. Duke?

Mr. Dick: Mr. Chairman, if I may review the facts on those. The charge heard on January 15, 1958, under section 223 of the Criminal Code, impaired driving, was tried before Judge Langdon. It was an OPP informant, a constable. The constable was Saunders. The urine sample analysis showed 1.3 parts per thousand of alcoholic content and at that time it was not considered by the judiciary that that was adequate to demonstrate impaired driving and the charge was dismissed. At that time it was 1.5; this was the more or less general rule that was being followed.

Mr. Singer: What date was that?

Mr. Dick: The trial was January 15, 1958.

An offence of having liquor in a place other than his residence arose at the same time and the informant again was Saunders of the OPP, and this was having liquor other than in his residence under section 43(1) of The Liquor Control Act, tried in the same court before the same magistrate and the officer prosecuting it indicated that one full bottle and one part bottle of rye whisky had been seized from the Duke vehicle. The evidence was presented with that of the impaired driving charge and the magistrate came to the conclusion that the offence had not been committed, that the liquor was being transported from one residence to another residence and he dismissed the charge.

June 16, 1959, the date of the trial, George Duke was the accused, section 223 of the Code, impaired driving charged. The informant was OPP Corporal J. M. Hillmer. It was tried before Judge Smith, D. C. Smith. It was in the Perth detachment, another court. And following submission of the evidence by Corporal Hillmer and by Provincial Constable Lipta—L-i-p-t-a—the magistrate dismissed the charge—

Mr. Singer: Were there two constables who testified?

Mr. Dick: Yes, there were. Corporal Hillmer and Constable Lipta. The accused had refused the breath test. The evidence was the objective evidence given by the police officers. The judge, after hearing that evidence, dismissed the charge.

Mr. Singer: Was that heard in Burlington, Hamilton, Oakville—

Mr. Dick: No, the offence was in the Perth district of the OPP. It was the Perth detachment officers who had laid the charge and it was tried in the court in that county.

Mr. Shulman: What was the date in June?

Mr. Dick: June 16, 1959, was the date of the trial. May 18, 1959 was the occurrence.

Interjections by hon. members.

Mr. Dick: Arising on the same date, the same witness, W. A. Lipta, again of the OPP, the offence was having liquor, 143(1) of The Liquor Control Act, and a case of liquor was seized and removed from the trunk of the Duke vehicle and again the liquor was being transported from residence to residence and the charge was dismissed by the judge.

June 2, 1959, a charge against Duke and it was an OPP prosecution under The Liquor Control Act, the offence under section 43(1) of The Liquor Control Act—

Mr. Singer: Is it 43 or 143?

Mr. Dick: Section 43, subsection 1.

Mr. Singer: You said 143.

Mr. Dick: Oh, I am sorry.

The trial was before Magistrate Langdon. The informant at that time was Constable Graham. He has since left the force and we have not been able to obtain any statement from him as to the grounds for the dismissal. The court records just indicate there was dismissal of the charge.

Mr. Shulman: Judge Langdon again, did you say?

Mr. Dick: It was before Judge Langdon, yes.

Mr. Singer: Constable Graham was OPP?

Mr. Dick: He was OPP.

And then October 5, 1961, prosecution under The Liquor Control Act, section 42(1) and the accused, George Clinton Duke. The informant was J. E. McAllister of the OPP. It was in Belleville and the charge was heard before Magistrate Wills at Belleville. The evidence was presented by two constables of the OPP, McAllister, M-c-A-l-l-i-s-t-e-r, and Willis, W-i-l-l-i-s, and it revealed that the evidence was to the effect that a part case of liquor was removed from the locked trunk of the Duke vehicle. The charge was dismissed on the grounds it was being transported from residence to residence.

On the latter items, we do not have the prosecution cards available. The information has been obtained by statements by the officers involved.

And on October 5, 1961, Constable McAllister of the Belleville detachment—and these circumstances arose out of the matter just referred to of The Liquor Control Act offence; it was the Belleville detachment again—the offence charged was dangerous driving under 224 of the Code, tried on December 18, 1961, before Magistrate Wills in Belleville court. It was dismissed by the judge after hearing the evidence, the evidence being given by Constables McAllister and Willis, to the general effect that the Duke vehicle was proceeding west in the eastbound travelling lane of Highway 401.

The defence was that he had entered this highway at a grade crossing, which existed at that time on Highway 401, this being in 1961, that he was not aware that he had entered on a dual lane highway and was going the wrong way in the lane. There was no evidence that the officers could adduce of erratic driving. The evidence was that he was in the wrong lane of traffic. The judge, on hearing that evidence, dismissed the charge of dangerous driving.

At the same time a charge was laid of drunk driving—222 of the Code—same trial, same judge. The charge was dismissed. The evidence was presented again on the basis of the presence of the vehicle in the wrong lane. It could not be demonstrated that there was any erratic driving and the magistrate dismissed the drunk driving charge.

Careless driving was also laid—section—

Mr. Singer: Same day?

Mr. Dick: It was all in the course of the same trial.

Mr. Singer: He was not being harrassed was he?

Interjections by hon. members.

Mr. Dick: At the same time, at the same trial, arising from the same facts and occurrences, a charge of careless driving was laid. The same evidence, of course, was adduced and the judge convicted on careless driving. That was subsequently appealed and the appeal was dismissed; the conviction was confirmed.

At the same time a charge of driving the wrong way on a dual highway under The Highway Traffic Act had been laid and that was disposed of in view of the conviction for careless driving.

On October 26, 1969, Clinton Duke was the accused, a charge was laid by Constable Brooks of the Oakville OPP detachment, a charge of impaired driving under the Code as I say. The trial was on February 19 at Oakville; the judge was Judge M. J. Cloney. The charge was dismissed. The constable gave evidence at the trial for the prosecution that the Duke vehicle had been involved in a collision with another motor vehicle and subsequent to the accident the accused was smelling of liquor. The defence was that he had taken a drink from a bottle of whisky after the accident to calm his nerves—

Interjections by hon. members.

Hon. Mr. Wishart: That is a common defence.

Mr. Dick: After hearing the evidence for the defence the judge dismissed the charge. At the same time, arising from the same facts, a charge had been laid pursuant to section 42(1) of The Liquor Control Act of Ontario. The accused was convicted and was fined.

I should mention, perhaps, it is relevant, that on a charge of careless driving arising from the earlier reference to the prosecution in Belleville, where the four charges were laid, the accused was convicted on a careless driving charge. I believe the member for High Park had asked with reference to the licence suspension arising from that; the accused was fined \$300, with court costs of \$193, and his licence was suspended for a period of six months.

Mr. Shulman: What was the date of that?

Mr. Dick: That was at the trial in Belleville. The trial was on December 18, 1961, before Magistrate Wills. That is the record of the offences that are shown on the record at the present time.

Mr. J. Renwick: Mr. Chairman—

Mr. Singer: One minute, before you go on. Did the records show whether he was defended by counsel in all those?

Mr. Dick: No, the record does not show whether or not he was represented by counsel.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, would the minister be good enough to read into the record the statements of Staff Superintendent Rodger and the statement of Superintendent Wilson?

Mr. Chairman: Mr. Commissioner?

Mr. Silk: This is a statement taken from Superintendent Wilson and I am reading it.

I was transferred from Midland detachment to Oakville detachment on October 1, 1953, and remained there until 1958 when I was transferred to No. 3 district headquarters in Dundas.

The building has since been moved to Burlington.

During the time I was stationed at Oakville I became aware that there was a man named Clinton Duke, due to the fact that he lived in the house at the corner

of Maple Avenue and Plains Road, which was in our patrol area. He operated a lawnmower repair and distributing centre from these premises and I first heard of him because the odd time he received a speeding ticket from our men.

In the fall of 1961, headquarters was moved to a new building at Burlington and I was put in charge of Burlington detachment. One of the items supplied was a rotary-type riding lawnmower which was purchased at Duke Lawn Equipment. From time to time it needed repairs and it was my responsibility to contact Duke to have the necessary repairs made.

Mr. Singer: What was his rank at that time?

Mr. Silk: He was sergeant in charge of the detachment at Burlington. As I explained before, sir, at each of our district headquarters we have a district headquarters detachment apart from the district administration.

In the fall of 1966, following a temporary transfer to No. 2 district headquarters in London, I was promoted to inspector and returned to No. 3 district headquarters. Staff Sergeant J. H. Jones was then in charge of the Burlington detachment and I knew that on occasion he was receiving applications to register firearms for Mr. Duke. On some of these occasions I had a casual conversation with him.

In September, 1967, I received an invitation from Duke Lawn Equipment to attend what is called their lawnorama, which is held on his premises in Bronte. This lawnorama is an annual affair and is held every year for the purpose of displaying and demonstrating the various items of garden, lawn and golf course equipment sold by Duke's firm. It was on this occasion that I was invited into the house by Mr. Duke where he showed me a room in which he had on display a large number of firearms of all types. He mentioned at this time that they were all fully registered in his name. He also showed me an intricate burglar alarm system which he had installed as he was worried in case someone might break in and steal some of the guns.

I was present at general headquarters in Toronto on Tuesday, March 19, 1968, and the thought occurred to me, out of curiosity, that I would check in the firearms registration branch to see how many guns actually had been registered to Duke.

Much to my surprise when checking the file, I learned for the first time that he had a long criminal record in this file. I reported this to Superintendent Rodger who, I believe, passed the information on to Deputy Commissioner Whitely.

In the meantime, my wife had become acquainted with Mrs. Bonnie Duke through the Zonta Club, of which Mrs. Duke was president. It was through this acquaintance that the Dukes were invited to our daughter's wedding, March 29, 1968. The Zonta Club is a ladies' organization of businessmen's wives; I do not know what the word Zonta stands for.

Some time in the month of December, 1968, I was instructed by Commissioner Silk not to associate with Mr. Duke as there was some suggestion that Duke was connected with Papalia. I have had nothing to do with Mr. Duke since that time, other than through business matters dealing with lawnmowers.

George Clinton Duke attended the funeral of the late Chief Superintendent I. R. Robbie, Tuesday, April 2, 1968. The service was at Dunnville; the body rested at the Ballard Funeral Home, 315 Broad Street East, Dunnville, and the service was held in Knox Presbyterian church at 2 o'clock in the afternoon. Interment was in Zion Cemetery, Wainfleet; Chief Superintendent Robbie was killed as the result of an accident on Saturday, March 30, 1968. Duke attended the funeral as a friend; he would not have to be invited. I did not invite him at any rate. If he was I do not know who did.

After the burial at the graveside it came about that Mr. Silk, Deputy Commissioner Whitely, and Superintendent Rodger and myself with our wives were invited to Mr. Duke's residence, 3236 Lakeshore Road, Oakville, Ontario. We arrived at Mr. Duke's residence about 6 o'clock, I would say, and we left around 9, as close as I can recall. The next time I met Mr. Duke was on Tuesday, April 9, 1968, when Superintendent Rodger and I accompanied him in his car to the Military Institute, as luncheon guests with the commissioner.

After the luncheon date on April 9, I had no further association with Mr. Duke until I received an invitation to his annual lawnorama, in late August; the affair being in September. I was instructed by Superintendent Rodger that he had been instructed by someone from general headquarters not to associate or attend the

lawnorama because of Duke's criminal record. However, Assistant Commissioner J. L. Whitty called, and following a discussion it was decided by Assistant Commissioner Whitty, Superintendent Rodger, and myself, that I should put in an appearance for the purpose of offering an explanation to Duke, to offset his puzzlement as to why no one from GHQ had accepted his invitation. I attended the display, remaining there for no longer than half an hour.

In 1969, I did not attend the lawnorama because I attended the funeral of the late Staff Sergeant J. Tulloh which was on the same day. I am not aware of any other OPP members in this district ever having been at the Duke home.

I have heard about John Papalia, but most certainly not on the day the commissioner and myself were at Duke's home was Papalia there. Nor was there any mention of Papalia being there. This is all news to me. The only occasion that I ever visited the Duke residence was when he held his lawnorama; the day Commissioner Silk, Deputy Commissioner Whitely, and Superintendent Rodger were with me, most certainly no person by the name of Papalia was there.

When I visited the lawnorama it was by invitation only, and was attended by hundreds of invited guests, as on these occasions Duke Lawn Equipment had a full display of all their equipment for all to see. At the time of my daughter's wedding on March 29, 1968, I was aware that Duke had a criminal record and the only reason I did not cancel his invitation was that he had already sent my daughter a gift, which was accepted. To my knowledge Duke did not fly home from his apartment he has in Freeport in Nassau to attend the wedding. If he did, I have no knowledge of this. He may have cut a trip short to come home; I do not know.

I do further recollect that I have visited the Duke home with my wife and Superintendent Rodger and his wife once in 1966 when I was a sergeant-major in London—I believe during the month of October when I returned home to Burlington to visit my wife. The four of us went to a barbecue at Duke's, and then again in 1967 with Superintendent Rodger and his wife. Mrs. Wilson and I were returning from Superintendent Clark's retirement party at Barrie and went to Duke's for a barbecue. On this occasion, the same as the last time, there

were at least 100 people at Duke's including the late—[may I omit two names that are here? Deceased in both cases]. I cannot recall any other OPP personnel being at these two barbecues.

The two names that I omitted were not related to the Ontario Provincial Police, by the way.

On March 19, 1968, the now inspector C. G. Wilkinson and I checked the firearms registration branch to ascertain actually how many firearms Duke had registered in his name. Corporal Dawson was the officer who showed us the file and attached was Duke's criminal record.

At the wedding of my daughter to a provincial constable were Commissioner and Mrs. Silk, Assistant Commissioner Graham, Deputy Commissioner Whitley, Superintendent Rodger, Superintendent Garry, Sergeant-Major Wilkinson, who is now inspector, who acted as master of ceremonies. The OPP band—that four-piece musical group we have—was at the reception. Assistant Commissioner Graham made the comment to me, "Is that the man Duke who has the criminal record?"

At a Christmas party in 1969, given by King Paving, at the Constellation Hotel, Toronto, also attended by Commissioner Silk, I was told to keep away from Duke and not to associate with him as he was connected with John Papalia.

Since this investigation has started, I now understand that the OPP members of the Burlington detachment organized by Constable Richardson, did have a ball team in 1969, and that Constable Richardson did solicit funds from Duke, of Duke Lawn Equipment, to equip the team. My association with Duke has not been a close one.

Now there are a couple of addendums to this. I am not sure of the date that the first statement was taken, but certainly it was taken since this investigation commenced. This addition is dated June 10, and it is in the first person of Staff Superintendent Welsh. He says:

I contacted Superintendent Wilson at 9:45 a.m. regarding his statement and he stated, "I have turned this around in my mind and without proof I cannot positively say that I did tell Staff Superintendent Rodger about Duke's record, but the point that makes me think I did was the fact Harold Graham knew about the record. This made me think it had been passed along. This is what I thought until Rodger denied this and I cannot feature Rodger

not passing this along. I have no way of knowing or relating this. I cannot possibly swear to it. I thought I had, up until the time I talked to Staff Superintendent Rodger and he states that I did not discuss this with him.

Now, on June 11, in conversation further with Superintendent Wilson, it was further established when he advised the following:

At Staff Superintendent Rodger's promotional and transfer party, held the last Friday in June of 1969, organized by Detective Sergeant John McPherson, which I attended with Mrs. Wilson and my daughter, held at the Teamsters' Hall, Parkdale Avenue in Hamilton, we arrived around 10:30. As we walked into the hall, immediately ahead of us were Mr. and Mrs. Duke. Archie came over and asked had we come together, and I replied, "Most certainly not."

We sat at our particular table. As far as I know, the Dukes came on their own. Both myself and Mrs. Wilson talked to the Dukes on this occasion. Most certainly the Dukes would say "hello" to my daughter. Duke was wandering around in general, talking to everyone, the same as myself.

Question: After being told to disassociate yourself with Duke, who did you tell, if anyone?

Answer: I told my wife and family; I do not think any other police personnel. I did not tell the detective sergeant or the detachment sergeant about Duke's criminal record. It was the detective sergeant that sold the ticket apparently. That seems why that was mentioned.

Now, on June 12, Wilson advised the following:

With reference to the second paragraph of my statement, page 22 of the brief, which deals with my attendance at the lawnorama, September, 1969, I wish to state the following:

I was standing in the large tent where the event was taking place when Duke approached me and asked where the others were as he had sent them invitations. I told him Assistant Commissioner Whitty was in Ottawa, Superintendent Rodger was in Simcoe, and I did not know where the rest were and he invited me down to his bomb shelter. I declined and left.

There is quite an elaborate bomb shelter out there; it is a self-contained apartment.

On June 15, 1970, Superintendent Wilson advised me of the following:

With reference to the addendum, I wish

to advise on Friday evening, June 12, 1970, Staff Superintendent Rodger visited my home. We discussed the number of times we visited the Duke home for a barbecue. As I told you before, I was under the impression we had attended in the fall of 1966 and 1967.

However, Staff Superintendent Rodger reminded me that Pauline Robbie—that is, the widow of the deceased chief superintendent—was also there the last time we were there. She was with certain people who are not connected with the force in any way. I do not know them, and after Staff Superintendent Rodger mentioned this I recalled seeing Mrs. Robbie there. This was after the death of her husband, so therefore this particular barbecue must have been held in the fall of 1968. This would make three barbecues we attended.

My wife and I have accompanied Staff Superintendent and Mrs. Rodger on each occasion.

On Saturday evening, June 13, 1970, Rodger and Mrs. Rodger came to my home by pre-arrangement. They and my wife and I discussed the whole Duke matter in general. By using this method we covered every aspect that we could recall but we were unable to think of or remember any other occasion or social functions we may have attended.

Our reason for attending the barbecue in the fall of 1968 was practically the same reason I attended the lawnorama in 1968, that is, to put in a short and final appearance at Duke's, plus to taper off our visits rather than cut them off suddenly.

Question: When was the last barbecue attended?

Answer: After the lawnorama in 1968.

On June 16 Welsh again said:

On this date I further questioned Superintendent Wilson regarding his statements.

Question: Was your first visit to the Duke residence in 1966 when you held the rank of sergeant-major stationed at London district headquarters and was this a barbecue?

Answer: Yes. I accompanied Superintendent Rodger and Mrs. Rodger, along with my wife.

Question: Who knew of the 1969 ball team?

Answer: I did not.

Question: Who else at district headquarters knew of the team?

Answer: I do not know.

Question: Who invited Duke to the Rodger party?

Answer: I do not know.

Question: Why did you not tell your detachment sergeant and detective sergeant of Duke's criminal record?

Answer: I have not any answers to that question, no reason why, I just didn't tell them.

Question: Did you or Mrs. Wilson or your daughter ever use Duke's apartment in Nassau?

Answer: Definitely no. My daughter and her husband spent their honeymoon in Bermuda, not at Nassau.

Question: Did Constable Richardson consult you before approaching Duke for moneys to sponsor the Burlington OPP ball team?

Answer: No.

May I add this verbally? As a result of information which came to me I requested the staff superintendent to attend—again last Wednesday I believe it was—and inquire about any continuing relationship between the wives, Mrs. Wilson and Mrs. Duke, and this was emphatically denied. We have that in a written statement if necessary but—

Mr. Singer: Mr. Chairman, there was one paragraph in there that I would like to have repeated. There was a reference earlier on—I think in the first statement—to Wilson's meeting with Commissioner Silk at a road construction company's party. Could you read that one again please?

Mr. Silk: Yes.

Mr. Chairman: Perhaps the commissioner could repeat that when he locates it.

Mr. Silk: Well, I have a reference to it. It may not be the identical one, but it is certainly the same subject:

Some time in the month of December, 1968, I was instructed by Commissioner Silk not to associate with Mr. Duke as there was some suggestion that Duke was connected with Papalia.

Mr. Singer: What was that date again?

Mr. Silk: December, 1968—no it was not. There is a mistake there. This was December, 1969.

Mr. Singer: That was my original note.

Mr. Silk: And I can say definitely. One of our former sergeants is with that company

and, for a number of years, he has asked me to attend and I know it was in 1969 that I attended. Just prior to that I had heard the rumour that has already been suggested—I think just two days before—and that is why I was prompted to speak to Wilson on that occasion and say, "Now be sure you stay away."

Mr. Lawlor: Duke was not there? Was he at the Constellation that night?

Mr. Silk: Oh no!

Mr. Chairman: Back to the member for Riverdale.

Mr. J. Renwick: There were two references to Papalia and Duke in that statement—

Mr. Lawlor: Mr. Chairman, on a point of order, before my friend goes on.

Mr. Chairman: Point of order.

Mr. Lawlor: I would like clarification, if I may, on two points raised. I just want to be clear about them.

Some remark was made about a Sergeant Clark, of Barrie, something—

Mr. Silk: Superintendent. There was a farewell party at Camp Borden, yes.

Mr. Lawlor: And after that certain individuals went to Duke's. Are we clear as to when that was, and secondly, who went?

Mr. Silk: It was about two years ago.

Mr. Lawlor: Who would be the "we" that would go from Barrie to Burlington and to visit Mr. Duke?

Mr. Silk: I have not got the names here but I think it was made plain that it was Rodger and Wilson who were returning from the Camp Borden party, and they dropped in on the Duke residence.

Mr. Lawlor: All right.

Mr. Chairman: Has the member for Lakeshore any other points of clarification?

Mr. Lawlor: Yes, one other point of clarification, apparently. Maybe the question should follow on afterwards. Assistant Commissioner Whitty was consulted by Wilson at a time subsequent to when you knew of the record and had given instructions not to consort with Duke. In effect, it would

appear to have overruled or at least, intervened between your order and the actual visitation.

Mr. Silk: According to Wilson's statement.

Mr. Lawlor: According to Wilson's statement. Does Whitty's statement bear that out?

Mr. Silk: No. Whitty is a sick man and he is now in retirement. I suggested that that be checked and I was advised that we should not approach him again. He is quite sick.

Mr. Chairman: The member for Riverdale.

Mr. J. Renwick: Mr. Chairman, it is not my function to reconcile the various problems that arose out of that statement. I just want to note for the record that my recollection is that there was a specific statement that it was in March, 1968, that this check of the registration of the firearms to Mr. Duke was undertaken by Superintendent Wilson. It was at that time the criminal record was known to Superintendent Wilson. What he then did about that information or how it was conveyed, is an open question which is not up to me to sort out, except to note that fact and that is in March, 1968, and the—

Mr. Singer: March 19; a note of that appears in the Attorney General's statement.

Mr. J. Renwick: March 19, 1968. Of course it was in August, 1968, that the Attorney General states that the commissioner first became aware of it. I note for the record that there was certainly no question in Superintendent Wilson's mind, in his statement, that the reason he was told to stay away from Duke was because of something to do with Papalia. I think that both references to Papalia indicate that.

Mr. Silk: I am not sure—

Mr. J. Renwick: Is that correct?

Mr. Silk: No. It was in August, 1968, that he was first told to stay away.

Mr. J. Renwick: Yes, in his recollection, in his statement he says that it was something to do with Papalia.

Mr. Silk: No.

Mr. Singer: December, 1969.

Mr. Silk: Mr. Renwick, he—

Mr. J. Renwick: May I go on? Were there two references in that statement to Papalia?

Mr. Silk: No, there is only one but this is the situation. In August, 1968, I issued the instructions that he was to stay away. There was no mention, there was no suggestion of Papalia at that time. It was simply on the basis of Duke's old record that he was told to stay away in 1968. Then I saw him at the deal at the Constellation.

Mr. Singer: A year and three months later?

Mr. Silk: A year and three months later. I said, "Al, for God's sake, make sure that you do not go near there because I now have information that there may be some connection with Papalia." That is as accurately as I can put it.

Mr. J. Renwick: My note must be wrong then. I thought there were two references to Papalia in that statement, and that they referred to different times. Could I just have that checked?

Mr. Silk: His statement jumps around a little bit. Give me a minute to check it.

Mr. J. Renwick: Yes, I realize that.

Mr. Chairman: While the minister is looking for that part of the statement, I might observe that it is past 6 o'clock. I believe that as soon as we have had that correction or clarification from the commissioner, we should adjourn this meeting until 3:30 o'clock tomorrow afternoon. Mr. Commissioner.

Mr. Silk: I think it is important to get this cleared up now, if you do not mind.

Mr. Chairman: If you think so, sir. Certainly I believe the committee is interested in hearing this.

Mr. Silk: On this particular point, I shall re-read the two references if I may.

Mr. J. Renwick: Please.

Mr. Silk: The first one says this:

Some time in the month of December, 1968, I was instructed by Commissioner Silk not to associate with Mr. Duke as there was some suggestion Duke was connected with Papalia. I have had nothing to do with Mr. Duke since that time, other than through business matters dealing with lawn mowers.

Mr. Singer: There is a conflict there between what you say. You say it was in August and he says December of 1968.

Mr. Silk: There is a greater conflict than that. Let me read the other one. The second one says:

At a Christmas party in 1969 given by the King Paving Company at the Constellation Hotel, Toronto, also attended by Commissioner Silk, I was told to keep away from Duke and not to associate with him as he was connected with John Papalia.

Now the actual situation was this, that through Assistant Commissioner Bird, in August of 1968 he was told to stay away from Duke, and there was no mention made of Papalia. There was no meeting in December of 1968, but in December of 1969 at the Constellation Hotel. I have already given you the circumstances. I had heard the rumour a day or two before. I called him to one side; *ex abundanti cautela* I mentioned it to him.

Mr. Singer: Could I ask this one question since I do not want to carry this phase over? Why did you feel it was necessary to tell him again, 15 months later than you had given the original order?

Mr. Silk: This is pretty hard to say but I would say this: When the Papalia name was associated with Duke, it struck me with such impact that when I saw him just a day or two later, I was constrained to tell him. If I had not seen him for another month, perhaps I would not have. At any rate, I checked the dates and there were just two days between the day I had received the information and the day I saw Wilson, and I took that precaution.

Mr. Singer: Well, the August, 1968, date must be correct because you read us a minute yesterday which was dated.

Mr. J. Renwick: Mr. Chairman, I would appreciate having it clarified. Superintendent Wilson's recollection was that there were two occasions, two separate and distinct occasions on which he was told to stay away from Duke, and on each of those, in his mind he associated the warning or the direction with Papalia. That is all my point.

Mr. Singer: One further point: In December, 1969, when you gave him the second

caution, did you have any reason to believe he had ignored your order given in August, 1968?

Mr. Silk: For some reason I wondered, and I cannot tell you why.

Mr. Singer: Something must have prompted your second warning.

Mr. Silk: I cannot be more specific; I am sorry.

Mr. Chairman: Gentlemen, this meeting stands adjourned until 3:30 o'clock tomorrow afternoon.

The committee adjourned at 6:04 o'clock, p.m.





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